

WISCONSIN WORKS (W-2) CASE MANAGEMENT RESOURCE GUIDE

**A Reference Guide to Readiness Screening, Employment
Barriers, and Referrals**

**State of Wisconsin
Department of Workforce Development
Division of Economic Support**

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CHAPTER 1: INTRODUCTION

The primary role of W-2 Financial and Employment Planners (FEPs) is to assess individuals and determine the appropriate placement in an employment position. Matching participants to the best positions requires the right combination of interpersonal communication skills, training, and experience. Making an appropriate judgment of a person's capabilities may require the use of a variety of resources and tools and no one test or assessment is guaranteed to provide the right answer.

The focus of the W-2 Case Management Resource Guide is to provide general information and a framework for organizing additional resource information related to job readiness screening, employment barriers and referrals. The guide's intent is to support, not duplicate, information provided in the Fundamentals of Case Management training. The guide is organized into chapters which touch on six important aspects of W-2 case management. Each chapter is further divided into sections which present guidelines, assessing tools, and instructions for your use. The table of contents makes it easy for you to find valuable assistance when it is needed and also provides you with a place to file other useful information related to these topics. If you use this guide to organize your personal resources, local agency tools and guidelines, and other information, you will have one place to turn when a participant presents a unique case management challenge.

In many cases the information and tools provided are very basic. They are not intended to make the FEP an expert on any particular employment barrier or aspect of case management. The guide will often only indicate that more professional consultation may be needed. To facilitate this process, each section identifies resources that can provide additional information. You are encouraged to add your own notes and contacts when local professionals are available.

While the Department will occasionally provide updates to information included in the guide, share best practice techniques, and refer to this guide during training, feel free to make this guide best suit your local agency and participant needs by reorganizing it or updating it as you see fit.

ACKNOWLEDGMENTS

This guide could not have been developed without significant cooperation from many individuals and agencies. The Department of Workforce Development (DWD) consulted with many agencies that provide services to persons with barriers to employment to ensure the accuracy of information provided herein. Agencies reviewed material, provided feedback, additional information, and tools where noted in the guide. Special recognition is provided to the following agencies for their assistance:

Equal Employment Opportunities Commission;

Social Security Administration;

Waisman Center Early Intervention Program, University of Wisconsin-Madison

Wisconsin Association for Perinatal Care

Wisconsin Coalition Against Domestic Violence;

Wisconsin Council on Developmental Disabilities;

Wisconsin Council on Children and Families;

Wisconsin Department of Public Instruction

Wisconsin Department of Health and Family Services
Division of Care and Treatment Facilities, Bureau of Community Mental Health
Services;

Wisconsin Department of Health and Family Services
Division of Supportive Living, Bureau of Substance Abuse Services;

Wisconsin Department of Health and Family Services
Division of Supportive Living, Client Assistance Program;

Wisconsin Department of Health and Family Services
Division of Supportive Living, Bureau of Developmental Disabilities Services,
Wisconsin Birth-to-Three Program;

Wisconsin Department of Workforce Development
Division of Vocational Rehabilitation;

Wisconsin Department of Workforce Development
Division of Workforce Excellence

Wisconsin Maternal and Child Health Education and Training

Wisconsin Technical School College Association

Governor's W-2 Committee of Education and Training

Governor's Committee on Pregnancy Prevention

CHAPTER 2: JOB READINESS SCREENING

The first extended meeting with a W-2 agency representative will include completion of an employment readiness screening. This process will help the agency better understand the participant and the family situation, ensures that the participant understands the W-2 program and its goals and objectives, and will result in a placement on the Employment Ladder, if appropriate.

In addition to, or in lieu of, a formal readiness screening instrument, the FEP may use the questions included in this chapter to assess the participant and help in the decision making process.

JOB READINESS SCREENING

Unlike standard eligibility criteria, there is no formula for developing the best W-2 Readiness Screening Instrument. Most agencies have developed their own procedures from operating past employment and training programs. These successful strategies run the gamut from no formal instrument to long detailed questionnaires. Rather than providing a mandated instrument, this section provides sources for obtaining tools and some guidelines that agencies might consider when choosing or developing instruments or procedures which best suit local population needs.

LOCATING AN INSTRUMENT

To find a tool that has been developed, contact:

- 1) a DWD Job Center;
- 2) a DVR agency;
- 3) a local or national staffing agency;
- 4) a library;
- 5) an employment and training program within Wisconsin, your county, geographic region or another state;
- 6) a local technical college or university; or
- 7) a case management training agency.

SOME GUIDELINES TO CONSIDER

When selecting or developing a readiness screening instrument, consider the following guidelines relating to the W-2 program.

Focus on what individuals can do, not what they can not do. This is very important, since everyone in W-2 is expected to participate in work-like activities as soon as possible. In addition, the W-2 agency is responsible to help participants move up the ladder to self-sufficiency as quickly as possible. This is especially true as W-2 cash assistance is subject to a maximum lifetime limit of only 60 months, but placement cannot exceed 24 months in any W-2 employment and training category.

Try to find out what the person would like to do in the future, rather than the traditional emphasis on collecting a detailed employment history. Sometimes participants have poor employment histories because their interests and skills had not been identified and developed. Try to learn from past employment mismatches, and not repeat them since individuals now have a limited time to participate in the program.

Always consider the needs of your employers. A good match will help the participant and ensure that the employer returns to the agency to fill future openings. The readiness screening must assist you to help employers.

Find the right balance between uncovering barriers and giving excuses. It is imperative that true barriers to employment, both systemic and personal, be identified. A person who has difficulty finding child care or one who has serious substance abuse problems may fail no matter how perfect the employment match. A person who fails an assignment fails the employer and the program requirements. These failures should be minimized through proper screening.

Remember that readiness screening has more than one definition. However, within an agency, consistency in readiness screening between case managers is vital. The next section of the guide offers some suggested screening discussion questions and the final section offers a place to file other useful readiness screening tools.

DISCUSSION QUESTIONS

The automated CARES system will guide you through all the information required to determine W-2 eligibility. However, when making a W-2 placement decision, the information you most need may not be information that is collected by CARES.

Uncovering wishes, interests, fears, and even basic information relevant to work, such as physical limitations, may require other, more probing questions that get to the heart of the person, the core of the situation, and ultimately the heart of the solution.

The questions on the following pages will help you collect information needed to understand the participant's immediate situation and make appropriate placements and referrals. The questions included are not structured as an interview, and are not intended to be asked for every participant. Instead, they are meant to serve as a reminder when you feel you do not have a complete picture, but are not sure what pieces of the puzzle are missing.

WHAT IS THE SITUATION?

When a person comes for the initial interview, even after having completed a preliminary interview, you still may not have a complete picture of the issues and needs of the individual and his or her family. You know they are potentially eligible for W-2 services and have a financial need, but more information may be necessary before you know what your real assignment of helping the person to self-sufficiency will involve.

What brought you here today? Do you need a job or help in keeping a job?

What is your current employment situation, and how has it changed recently?

Have you examined your household budget to determine your needs?

Are your children receiving the appropriate amount of child support?

Would food stamps, Medicaid and child support income be enough to meet your needs?

Would services such as child care and transportation assistance help you maintain employment?

Have you been receiving any other financial or social service assistance?

Is your current housing situation stable?

WHAT IS THE BEST SOLUTION?

There will be many times when the policy does not provide an answer to an unusual case or circumstance. There will be needs that have never been addressed and problems that are unique to your local agency. When these situations arise, ask yourself the following questions, based on the eight philosophical principles, to help find, or test a solution.

Is there a problem or need, and what exactly is that need?

Is cash assistance needed? If so, how can it be earned?

Is there a way to help the family help themselves or help the parents to help their children?

Can this situation be used to generate work opportunities for others?

Is there a way to reinforce, rather than threaten, the family unit?

What happens to other working families that face similar circumstances?

Is there a way to reward behavior leading to self-sufficiency?

Is there a way for the community to be involved?

Am I, or is the W-2 agency, the appropriate entity to resolve this dilemma? Are there others that are more capable, or have better access to needed resources?

How can we accomplish our goal in the most cost-effective manner? Is there a way to use performance incentives?

What other community services may be appropriate, e.g. LIHEAP, housing assistance, WIC, school lunch, etc.?

WHAT RESOURCES ARE AVAILABLE?

Persons should explore all other forms of assistance before turning to cash assistance. W-2 should be the option that is offered when families have no other resources or their barriers cannot be overcome through support provided through the community, family or friends. The following questions might help a person understand their level of need and explore alternatives to assistance.

What sources of income do you currently have?

What sources of income have you recently lost that could be regained?

What sources of income do you have that could be increased?

What sources of income do your children have or what sources may they be entitled to receive?

What assets of unusual value do you have that could be sold?

Do you have family and/or friends in the area? Are they aware of your current difficulties?

Are there family or friends to whom you could turn for help, temporarily?

Do you belong to a religious or other neighborhood organization where there are people who know you and could help temporarily?

Are there other social service professionals involved with you or your children?

WHAT IS THEIR EXPERIENCE?

Finally, it is time to explore what a person can accomplish through W-2. An accurate picture of their interests, aptitudes and past experiences will help you make an appropriate placement.

What would your dream job be?

What skills do you have that are related to that line of work?

What are your interests and hobbies?

Name three accomplishments in any part of your life that make you proud.

Have you been employed in the past in a position you liked?

Is there a place you would most like to work? Or an environment that makes you feel comfortable?

What household chores do you most like and dislike?

Name three positive things about yourself.

Name three things about yourself you would most like to improve.

If you had to guess, what would your last employer say about you?

CHAPTER 3: BARRIERS AND REFERRALS

Based on the job readiness screening, the FEP may find that the individual faces barriers to employment or is in need of additional social service assistance. In many cases barriers to employment will be systemic--barriers generally associated with working--like child care, transportation, or an appropriate work wardrobe. In other cases, individuals may have personal barriers to employment--like substance abuse, domestic violence, or children with special needs. This chapter focuses on how to identify barriers through the readiness screening process and where to go to make referrals. For more information about specific personal barriers to employment, see Chapter 4.

WHAT ARE THE BARRIERS?

Some persons will be forthcoming about reasons why they might be unable to work. They may tell you they have a hard time finding child care for a child with a disability or they are in a bad relationship with an abusive partner. Others will have many barriers and be reluctant to share information about their personal lives. It is important that barriers are identified and addressed up-front, whenever possible. Consistent with the discussion questions in the last chapter, these questions might give you some insight.

If an employer were interested in hiring you today, is there any reason you could not report tomorrow?

Have you had problems in the past that caused you to be fired or quit a job?

We all have stress in our lives. What types of things cause you stress?

I deal with some of my stress by exercising (fill in something appropriate). In what ways do you deal with stress?

Are you living with other adults? How are they supporting your efforts to work?

Are other adults in your household employed? Will you be able to share some common experiences and problems?

What child care arrangements have you made for your children? Have you experienced any difficulties or do you think it will be difficult to find?

Does anyone in your family have any special health needs?

Are your children having any problems with school (e.g., learning, behavioral or attendance)?

Do you have reliable transportation, or access to a bus route?

Do you have friends or others with whom you can car pool?

Are there hours you are unable to work, and why?

Do you have any language problems?

Do you have any reading problems?

Are you concerned about your personal safety in your home or in the work place?

RED FLAGS

The previous questions might be used during the initial screening to help a person identify barriers to employment. Sometimes individuals will not admit to having personal barriers to employment but they also do not seem to be cooperating. In fact, noncooperation is frequently a sign of a deeper problem. As a result, you should consider personal barriers to employment, and consult Chapter 4 if you need more information, when any of the following red flags are presented by a W-2 participant.

Does the person seem to understand the requirements, yet not comply regularly?

Is the person's mood or demeanor often unpredictable?

Does the participant or their child(ren) have frequent illnesses or doctor visits?

Is lack of child care or a need to take care of children a frequent excuse for nonparticipation?

REMEMBER THAT PERSONS WHO FACE PERSONAL BARRIERS TO EMPLOYMENT MAY OFTEN SEEM NONCOMPLIANT, BUT THEIR LACK OF PARTICIPATION MAY BE BEST ADDRESSED THROUGH THE RIGHT HELP.

REMOVING POTENTIAL BARRIERS

Once some barriers are identified, it is important to find ways to address them. Child care, transportation, and work supply barriers are generally easier to solve than health problems, addictions and other similar issues, but any barrier to employment should be linked to some type of activity that leads to resolution. The following chart provides some ideas on where to turn for help to address and remove common barriers. Also, always remember to use your Community Steering Committee and Children's Services Networks. Blank spaces at the end of the chart provide space for you to record additional barriers and links as you identify them.

BARRIER	POTENTIAL LINKS
Child care	Child care agency, W-2 local agency developed barter network, Child Care Resource and Referral Agencies
Housing	Local housing agency, shelters
Transportation	Public transportation, car pools, employer provided transportation and local transportation initiatives
Legal Issues	Attorneys, Judicare, Legal Action of Wisconsin
Domestic violence	Local shelters, counseling, W-2 local agency sponsored support group
Alcohol or other drug abuse (AODA)	Local support groups, W-2 local agency organized support groups, recovery programs
Disabilities	Division of Vocational Rehabilitation, Social Security Administration, Office for the Blind, Office for the Deaf, rehabilitation providers, physician referrals, home health agency

Children with special needs	Birth-to-Three, Wisconsin Council on
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	Developmental Disabilities, Wisconsin Council on Children and Families, special child care providers, physician referrals
Language and Cultural Issues	WTCS Mutual Assistance Association, Spanish Centers, Office of Refugee Services, Urban League, NAACP Great Lakes Intertribal Council, the Center for Applied Linguistics, tribal agencies
Mental health	Local mental health associations, Alliance for Mental Illness (AMI, NAMI), county human/social service agency
Troubled children	Social services, school counselors, religious programs, Boys and Girls Clubs, Big Brothers/Sisters
Felony Convictions	Work Opportunity Tax Credit Office, Division of Community Corrections Regional Office, Probation/Parole Officers

IMPORTANT CONTACTS

NAME/ORGANIZATION	FEDERAL/STATE CONTACT	LOCAL CONTACT
Americans With Disabilities Act (ADA) Information	(800) ADA-WORK	
Birth-to-Three	Department of Health and Family Services (DHFS) Bureau of Developmental Disabilities Services (608) 266-3236	
Bureau of Child Support	DWD (608) 266-9909	
Bureau of Children, Youth and Families	DHFS Child Abuse (608) 266-3036 Domestic Abuse (608) 266-9305	
Bureau of Community Mental Health	DHFS (608) 257-7792	
Bureau of Employment and Program Operations	Department of Workforce Development (DWD) (608) 266-7281	DES Regional Area Administrator
Bureau of Job Seekers	DWD, Division of Workforce Excellence (608) 266-0487	
Bureau of Substance Abuse Services	DHFS (608) 266-2717	
Bureau of Welfare Initiatives	Call Center (608) 261-6317	DES Regional Area Administrator
Client Assistance Program	DHFS (800) 362-1290	
Division of Handicapped Children and Pupil Services	Department of Public Instruction (DPI) (608) 266-1781	
Division of Housing	Department of Administration (DOA) (608) 266-0288	
Division of Health	DHFS (608) 266-1511	
Refugee Services Program	Office of Refugee Services (608) 266-8354	

CHILD CARE OPTIONS

Some types of child care are more difficult to find than others. Though your local child care agency is responsible for the majority of duties related to obtaining suitable child care, it is in the W-2 agency's best interests to ensure that child care is never a barrier to employment. Use this space to record local providers that offer certain types of hard-to-find care.

TYPE OF CARE	PROVIDER	CONTACT
Evening/Night/Weekend	1	
	2	
	3	
	4	
Children With Special Needs	1	
	2	
	3	
	4	
Infants	1	
	2	

TYPE OF CARE	PROVIDER	CONTACT
	3	
	4	
Sick Children and/or Drop-ins	1	
	2	
Bilingual Child Care	3	
	4	
Other	1	
	2	
	3	
	4	

TRANSPORTATION

Description

The lack of reliable transportation is a significant barrier for many low-income jobseekers. Many jobseekers are transit dependent, meaning they do not have reliable access to an automobile. The ability to access reliable transportation is a key component of any employment plan, not only in obtaining, but also retaining or advancing in employment.

There are many resources available in local areas to increase transportation options, coordinate existing resources, or assist customers in obtaining reliable transportation. It is crucial that all employment related needs be accounted for including, but not limited to, child care, training and education, interviews, and work. When utilizing a transit option such as carpool, vanpool, or bus, parents (especially single parents) often face the concern of being unable to get home in case of an emergency. Working with the employer or local transit provider to offer a “guaranteed ride home” is a low cost, effective method for overcoming this barrier.

Identification of significant transportation needs

The W-2 agency should maintain a close working relationship with local public and private transit providers, the regional transportation office, employers (especially those hiring numerous W-2 participants), child care providers, Regional Planning Commissions (RPCs), Metropolitan Planning Organizations (MPOs), and locally elected officials. Information on what services and choices are available to the participant should be readily available. It is critical that, *prior* to placement, participants understand how important reliable transportation is to *maintaining* employment.

Program Requirements

It is important to remember that there are some transportation services that may tick the 60-month eligibility clock. Proposed federal regulations define assistance to mean “every form of assistance provided to families under the Temporary Assistance for Needy Families (including child care, work subsidies and allowances to meet living costs) except those that do not involve explicit or implicit income supports such as case management or counseling, and one-time short-term assistance (i.e., paid within a 30-day period)” result in a tick on the clock. If participants receiving transportation benefits are already receiving cash assistance, this should not cause concern. If, however, a participant needs transportation benefits but is receiving no other assistance, it is important that it is understood by the participant that this may tick the clock. If a participant’s vehicle is repaired for \$300, this does not count. A regular monthly bus pass, or any other type of ongoing transportation benefit, would count.

Service Planning

There are many creative ways to overcome the transportation barrier. Many services are provided through or supported by employers. Carpooling may also be an option. Although individual transportation solutions may seem the only viable alternative, in many areas this is not the case. Additionally, W-2 dollars *can* be used to create group transportation and build transportation capacity solutions (although because W-2 dollars can only be used on the eligible population, there must be some means for allocating costs).

Individual-type transportation solutions possible using W-2 dollars:

- Bus passes, vouchers, payments
- Gasoline reimbursement
- Payment for car repairs
- Driver licensing, education, training
- Insurance assistance
- Maintenance: paying for regular tuneups or classes teaching simple maintenance to participants
- Vehicle repair program (through tech or high school)
- Develop auto buyer or financing plan with local businesses
- Education on “how to buy a used car”
- Vehicle donation/rehabilitation program
- Vehicle lease program
- Job Access Loans
- Encourage people to move closer to employment centers

Group-type transportation solutions possible using W-2 dollars (again, group solutions are possible, and encouraged, but a cost allocation methodology must be identified):

- Volunteer driver program
- Bike, walking programs
- Park and ride program
- Outreach to employers
- Public transportation creation/expansion
- Private transportation creation/expansion (better coordination with schools, elder programs, or agencies during downtime)
- Car pool programs (especially through local employers)
- After-school or employer-based child care options to reduce transportation needs
- Van pool creation/expansion (especially through local employers)
- Create transportation directory/hotline
- Hire a mobility manager or transportation broker
- Shared ride taxi

- Ongoing local planning (working with business and transit providers prior to locating new offices, child care centers, etc.)

Once solutions are in place, the next step is to create a transportation plan for the participant or groups of participants. First, you should obtain data on the participant. Knowledge of the participant's residence area, potential worksite, and child care location are key:

- What other issues may affect your participant's employment transportation situation?
- Is training involved? Is transportation to the training site needed?
- Does the participant need child care services? Does the child need transportation to the child care site? Does the employer offer on- or near- site child care?
- Is the participant worried about being able to get home in an emergency should one arise?
- Do you know of other participants that live and work in the same area? Could the two ride together?
- Does the person have a disabling condition requiring a specialized mode of transportation?

It is also important that you understand the transportation infrastructure and alternatives in your area. There are questions you should ask about your regional transportation situation:

- Does the participant have access to a reliable car?
- Is there bus service in your area?
- Do the employers post information about carpooling?
- Is walking or bicycling possible?
- Are there any vanpools in your area?
- Is it possible to coordinate with existing private transportation services (elderly, disabled, other type of shuttle) for transportation to the worksite?
- How much will the various options cost initially? How much will they cost the participant as a portion of his or her salary?

It is important that you try to work with the participant to determine options that are agreeable to all. If the participant is forced to accept an uncomfortable situation, job retention will be difficult. It should be the goal to offer as broad a range of options as possible. If busing, biking, or walking are possible, those are effective solutions to pursue. They are the least expensive, most reliable, and easiest to coordinate.

Additionally, many employers offer vanpools or information about ridesharing or carpooling. Knowing which employers offer these services allows you to determine in advance whether a particular job might be a good fit for a particular candidate. It is also possible to do some publicity and employer outreach on these inexpensive solutions to employers in the area to increase the number willing to participate. In a

tight labor market, employers are receptive to ideas that might help them attract and retain more workers.

Finally, pursue other options that may be available. Perhaps the participant will need to depend on a friend or family member for awhile until other arrangements, such as ridesharing, can be made. A Job Access Loan may be appropriate to help with vehicle purchase or repair. There are many choices: it is important that they all be considered. What doesn't work in one situation may work perfectly in another (e.g., in some areas, AAA has been contracted with to do immediate towing to help get a person to work if the person's vehicle breaks down; in other areas this may not work).

Resources and Referrals

For more information on transportation resources and information, contact the following agencies:

Department of Workforce Development
Job Seeker Services Bureau
(608) 267-7514

WI Department of Transportation
Transportation Demand Management Program
(608) 266-8508

Local agencies:

- Metropolitan Planning Office (MPO)
- Regional Planning Commission (RPC)
- Regional Wisconsin DOT office
- Public transit agency
- Private transit providers

Acknowledgments

Department of Workforce Development
Division of Workforce Excellence

TRANSPORTATION OPTIONS

Transportation is frequently cited as a major barrier to matching participants with jobs and quality child care. Like child care, it is in the W-2 agency's best interests to ensure that transportation is never a barrier to employment. Use this space to record some transportation options.

TYPE OF SERVICE	LOCATION	CONTACT
Car/Van Pools	1	
	2	
	3	
	4	
Employer Vans/Buses	1	
	2	
	3	
	4	

TYPE OF SERVICE	LOCATION	CONTACT
Agency Resources	1	
	2	
	3	
	4	
Other	1	
	2	
	3	
	4	
	5	
	6	

HOUSING ISSUES

Description

Housing is the largest on-going monthly expenditure for most households, particularly for those persons whose income is less than 30 percent of the County Median Income. Rising costs, shrinking real wages and the loss of a significant portion of the affordable rental stock have confined many families to paying high proportions of their income for rent. Clearly, families who have few resources are at a greater risk for homelessness.

Housing is a basic necessity for people to obtain and retain jobs. Without stable housing, people will be forced to move from one transitional place to another, may have to stay with family and friends, or move in and out of shelters. These unstable housing situations make it extremely difficult to hold down a full-time job.

Identification

Basic information regarding the living situation of the individual should be gathered when interviewing a W-2 applicant or participant. If the percentage of income being applied for housing costs is above 50 percent, it may indicate an increased risk of homelessness. The survey found in the pamphlet entitled, "Finding the Perfect Rental Unit" will be helpful in determining the percent of income being used for housing costs. The FEP should provide information on local housing resources to the W-2 participant.

Individuals who are facing a crisis due to flood, fire, natural disaster, or an energy crisis or is homeless, may be eligible for Emergency Assistance. (See Other Programs Manual for Emergency Assistance eligibility guidelines). In addition, W-2 applicants or participants may be eligible for a Job Access Loan to assist in an eviction situation, or preventing an eviction situation from occurring. The W-2 agency may also use agency funds for this purpose.

Many homeless and transitional housing programs provide case management services. Coordination with these services will help stabilize a family in crises.

Resources

Department of Administration
Division of Housing

- "A Guide Identifying Public Sources of Housing Financial and Informational Assistance for Low and Moderate Income Individuals."
- "An Inventory of Services Provided for Individuals and Families in Urgent Need of Housing Throughout the State of Wisconsin"
- "Finding the Perfect Rental Unit"

PUBLIC SOURCES OF HOUSING FINANCIAL AND INFORMATIONAL ASSISTANCE FOR INDIVIDUALS WITH LOW AND MODERATE INCOME LEVELS

Provided is a list of various housing resources available for Wisconsin low and moderate income households. The publicly funded programs described are for home purchases, owner-occupied rehabilitation and improvements, and residential rental services. In addition, contacts for programs and resources for qualifying people with mental and physical disabilities are listed.

Requirements for programs and resources are subject to change, affecting availability. Please be aware that administering agencies have separate eligibility restrictions for programs that may greatly vary by county. The upper income eligibility limits for many federal and state programs is 80% of the county median income adjusted for family size.

OWNER-OCCUPIED PURCHASE PROGRAMS

1) Housing Cost Reduction Initiative (HCRI) and HOME/Homebuyer Program, WI Division of Housing (DOH)

- Provides funds to local governments and housing organizations to cover down payment assistance, closing costs, and other soft costs involved in the purchase of a home.
- HOME funds can be utilized for acquisition and rehabilitation of home to be purchased.
- Reduces home ownership costs for low-income households.

Contact: Joan Stangler, (608) 267-6906, Division of Housing, PO Box 8944, Madison, WI 53708, for a list of currently funded agencies or Tom Mish, (608) 267-6904, for more detailed information.

2) Housing Loans -- Rural Development, Agriculture, U.S. Dept. of Agriculture

- Offers direct and guaranteed loan funds for the purchase and construction of homes by first-time buyers in qualified rural areas of the state.

Contact: Rural Development State Housing Office (formerly Farmers Home Administration), 4949 Kirshling Court, Stevens Point, WI 54481, (715) 345-7623, or a local regional office.

3) Home Purchase Programs -WI Dept. of Veteran's Affairs

- Provides mortgage loan funds for construction or purchase of a home at a low interest rate with a minimal down payment. A special loan program allows for the purchase of a mobile home.
- Funded from both state and federal programs. Applicants must meet income limits and other veteran eligibility qualifications.

Contact: Wisconsin Department of Veterans Affairs, 30 West Mifflin Street, Madison, WI 53707-7843, (800) 947-8387, or a local County Veterans Service Office.

4) HOME Loans -- Housing and Economic Development Authority, WI (WHEDA)

- Utilizes various participating lenders to originate 30 year loans (funded by the sale of bonds) that provide below market mortgage financing for low- and moderate income purchasers who have not had an ownership interest in a principal residence for the prior 3 year period.
- Provides "easy close option" deferred loans for qualifying borrowers needing closing cost assistance.
- If property being purchased is located within a HUD designated area of chronic economic distress (target area) or if the residence will be the subject of major rehabilitation, the three-year requirement will be waived.

Contact: WHEDA, PO Box 1728, Madison, WI 53701-1728.

Questions Regarding	Telephone Number
Underwriting Questions	800-334-6873
Loan Status	608-266-2297
Loan Funding	608-264-6855
Rate Line	800-862-1043

5) Community Development Block Grant (CDBG) Program -- Division of Housing (DOH) and Housing and Urban Development, U.S. Dept. of (HUD)

- Provides funds through local units of government for low and moderate income home purchase projects (funds are generally not available for new construction).

Contact. Marie Kielley, (608) 267-2726, DOH, PO Box 8944, Madison, WI 537088944, for the list of Small City CDBG programs or Marti Wilson, (608) 266-5842

6) Home Mortgage Programs -- C-CAP, Inc.

- Forgivable grants available to help assist in the up-front costs of purchasing a home.
- Program is for low- and moderate-income homeowners through participating lenders.

Contact: Scott Fergus, C-CAP, Inc., 1717 Paramount Dr., Waukesha, WI 53186, (414) 650-9508 or 4230 East Towne Blvd., Suite 285, Madison, WI 53704, (608) 245-1660, (800) 371-2227.

7) HomeSteps -- Federal Home Loan Mortgage Corp. (Freddie Mac)

- Offers a variety of properties for sale - single family homes, townhomes, and condominiums. Many homes are refurbished to like-new condition.
- Provides HomeSteps Special Financing through a group of participating mortgage lenders.
- HomeSteps Special Financing provides for: 5% down payment; lower escrow fees; reduced title fees; no mortgage insurance; no appraisal required; and, competitive interest rates.

Contact: HomeSteps, Attention: Customer Service, 12222 Merit Drive, Suite 700, Dallas, TX 75251, (800) 972-7555 (homebuyers), (800) 854-9555 (real estate professionals). Internet: <http://www.homesteps.com>

OWNER-OCCUPIED IMPROVEMENT/ACCESSIBILITY PROGRAMS

1) Community Development Block Grant (CDBG) Program -- Housing, WI Division of and HUD, U.S. Dept. of

- Provides funds through local units of government for rehabilitation and accessibility for persons with disabilities, projects for residences owned and occupied by low- and moderate-income households.
- Governmental entities compete for funds each year, some manage revolving loan funds.

Contact: Marie Kielley, (608) 267-2726, DOH, PO Box 8944, Madison, WI 537088944, for a list of Small City CDBG programs; for more detailed information contact Marti Wilson, (608) 266-5842

2) Weatherization and Energy Conservation -- Class A Utilities and Rural Electric Cooperatives

- Provides funding for undertaking a variety of residential weatherization activities.

Contact: Your local utility or electric cooperative; Wisconsin Federation of Cooperatives, (608) 258-4400; Wisconsin Public Service Commission, 610 North Whitney Way, Madison, WI 53705, (608) 266-5481.

**3) Home Improvement Loan Program (HILP) and Rehabilitation Loan Program
WI Dept. of Veterans Affairs**

- Provides loans to qualified Wisconsin veterans for rehabilitation and improvements to owner-occupied housing.
- Applicants must meet income limits and other veteran eligibility qualifications.

Contact: A County Veterans Service Office, or Wisconsin Dept. of Veterans Affairs, 30 West Mifflin Street, Madison, WI 53703, (800) 947-8387.

4) Home Improvement Loan Program for Sight Impaired -- Council of the Blind

- Provides funds for single-family, owner-occupied units for rehabilitation activities.
- Limited to legally blind applicants.

Contact: Wisconsin Council of the Blind, 354 West Main Street, Madison, WI 53703, (608) 255-1166.

**5) HOME/independent Living Centers for Persons With Disabilities
WI Division of Housing (DOH)**

- Provides funds for accessibility, safety, and health improvements for dwellings occupied by people with disabilities.
- Financed through the federal HOME program.
- HOME funds may not be available for this purpose in HUD's Home Entitlement area.

Contact: A local Independent Living Center or Laurie Rowley, (608)264-9762, DOH, PO Box 8944, Madison, WI 53708-8944.

6) Home Repair -- Rural Development, U.S. Dept. of Agriculture

- Provides low interest mortgage loans for single family, owner-occupied residential home repair in rural areas.
- Some grants are available for elderly households.
- Provides funding through the 504 and the Housing Preservation Grant programs.

Contact: Rural Development State Housing Office (formerly Farmers Home Administration), 4949 Kirshling Court, Stevens Point, WI 54481, (715) 345-7623, or a local regional office.

7) Housing Improvement Loan Program (HILP) -- Housing and Economic Development Authority, WI (WHEDA)

- Provides mortgage loan funds for rehabilitation and improvements for one- to four unit owner-occupied dwellings.
- For low- to moderate-income owners. Loans range from \$1,000 to \$17,500 with a maximum term of 15 years.

Contact: Wisconsin Housing and Economic Development Authority, PO Box 1728, Madison, WI 53701-1728, (800) 334-6873.

8) Income Tax Credits -- Internal Revenue Service (IRS)

- Provides Section 190 tax credits for accessibility modifications undertaken by homeowners with disabilities.

Contact: IRS Telephone Tax Assistance, (800) 829-1040
Publications Ordering, (800) 829-3676
For Recorded Tax Messages, (800) 829-4477
Hearing Impaired, (800) 829-4059

9) Income Tax Credit for Historic Rehabilitation -- State of WI, Historical Society

The Wisconsin 25% investment tax credit is available to owner-occupants of non income-producing properties listed in the national or state registers.

- Property must be used as a personal residence (or be an outbuilding that contributes to the significance of the property) and not used for the production of income and it must be listed in the State Register or National Register, or be determined to contribute to a state or national register historic district, or be determined eligible for listing in the State Register.
- The minimum amount of money spent on eligible project work is \$10,000.
- Eligible activities under this program are limited to exterior work and rehabilitation of structural, electrical, mechanical, and plumbing systems. The costs of architectural fees and preparation of a state or national register nomination are also eligible expenses. Interior remodeling and decoration does not qualify.
- The maximum tax credit that may be claimed is \$10,000, or \$5,000 for married persons filing separately.

Contact: The Division of Historic Preservation, State Historical Society, 816 State Street, Madison, WI 53706, (608) 264-6500.

10) Low-Income Weatherization and Home Repair Programs - WI Division of Housing (DOH)

- Provides funding through local weatherization operators for units occupied by low income persons.
- Finances weatherization and energy conservation and home repair activities primarily through federal funding and local utility programs.

Contact: Your local weatherization operator or the Division of Housing, Weatherization Bureau, (608) 267-3681.

11) Reverse Annuity Mortgage Programs

- Offers loans by some private lenders to elderly homeowners for which payment is not required until the home is sold.
- Secured by the equity of the home and is usually insured by the Federal Housing Administration (FHA).
- Elderly homeowners can use loan proceeds to pay for critical home repairs, support services, etc.

Contacts:

Coalition of Wisconsin Aging Groups, 5900 Monona Drive, Madison, WI 53716, (608) 224-0606

Home Equity Information Center, 601 E Street, N.W., Washington, D.C. 20049, (202) 434-2277

National Center for Home Equity Conversion, 7373 147" Street W., Suite 115, Apple Valley, MN 55124, (800) 247-6553

Federal National Mortgage Association (Fannie Mae), 3900 Wisconsin Avenue, Washington, D.C. 20016, (800) 732-6643.

12) WELL Compensation Fund -- WI Dept. of Natural Resources, (DNR)

- Provides grant funds for individuals who have a contaminated water supply.
- Covers a portion of the cost necessary to restore potable water.

Contact: Rick Weigle, Department of Natural Resources, 101 South Webster Street, Madison, WI 53702, (608) 267-7153.

13) Wisconsin Fund - WI Dept. of Commerce

- Provides partial funding for rehabilitating or replacing failing private sewage systems.

Contact: Department of Commerce, PO Box 7969, Madison, WI 53707-7969, (608) 267-7113, or a local county zoning office.

RENTAL

1) Housing Cost Reduction Initiative (HCRI) - WI Division of Housing (DOH)

- Provides funds to local non-profit or governmental sponsors to pay for short-term rental assistance and security deposits for low-income tenants.

Contact: Joan Stangler, (608) 267-6906, DOH, PO Box 8944, Madison, WI 53708-8944 for a list of currently funded agencies, or Tom Mish (608) 267-6904, for more detailed information.

2) Section 8 Certificates/Vouchers - Housing and Urban Development, U.S. Dept. of (HUD)

- Provides tenant-based rental assistance to low-income persons.
- Funds are administered by local housing authorities and WHEDA.

Contact: Your local housing agency, or HUD, Milwaukee, (414) 297-3214, Ext. 8200, or WHEDA, (800) 334-6873.

3) Currently Available Units From the Statewide Inventory of Assisted Housing

For further information on the availability of affordable rental units, contact:

- Wisconsin Housing & Economic Development Authority
(800) 334-6873
Rural Development (formerly Farmers Home Administration)
(715) 345-7623
- Housing and Urban Development (HUD)
(414) 297-3214

OTHER ASSISTANCE

Condominium Issues

- For information on condominium issues contact: WI Department of Regulation & Licensing, Division of Enforcement, (608) 266-7482.

Elderly and Disabled Long Term Care

- For information on elderly and disabled long term care issues contact: Board on Aging and Long Term Care (800) 642-6552.
- Independent Living Centers (see page 18) can provide advice on housing accessibility improvements and modifications.

Homeless Programs -- WI Division of Housing (DOH)

- Administers federal and state programs that provide shelter and services for homeless individuals and families.
- Funded under the HUD Homeless Assistance Act, State Shelter Subsidy Grants, and State Transitional Housing Programs.
- Awarded at various times during the year to nonprofits and local governments.
- An inventory of homeless services provided in Wisconsin counties is available.

Contact: Patti Glassburn, (608) 266-8273, DOH, PO Box 8944, Madison, WI 537088944, for a list of current grantees or the directory of housing services for persons who are homeless; or Judy Wilcox, (608) 266-9388, for more detailed information.

Landlord/Tenant Relations

For information on landlord/tenant related issues contact:

- Milwaukee area: CR-SDC South Side Neighborhood Center, 931 West Madison, Milwaukee, WI 53204, (414) 643-8444, or Community Advocates, 4906 West Fond du Lac, Milwaukee, WI 53216, (414) 449-4777.
- Statewide: Tenant Resource Center, Inc., 122 State Street, #310, Madison, WI 53703, (608) 257-0143; for counseling, (608) 257-0006.
- Wisconsin Department of Agriculture, Trade and Consumer Protection (Landlord and Tenant Issues), 2811 Agriculture Drive, Madison, WI 53708-8911, (800) 422-7128.

For information on Fair Housing issues contact:

Fair Housing Council, Milwaukee Office	(414) 278-1240
Fair Housing Council, Madison Office	(608) 221-9427
Northeast Wisconsin Fair Housing Council	(920) 734-9641
HUD Milwaukee Program Operations and Compliance Center	(414) 297-3123
HUD Washington DC Fair Housing Hotline	(800) 669-9777

	TDD	(800) 927-9275
HUD Washington DC Fair Housing Information		
Clearinghouse		(800) 343-3442
TDD		(800) 290-1617
WI Dept. of Workforce Development,		
Division of Equal Rights		(608) 267-4411
For information on Legal Issues contact:		
Legal Action of Wisconsin		(800) 362-3904
Milwaukee Bar Association		(414) 274-6760

Mobile Homes

For information on mobile home parks or mobile home dealer and sales personnel issues, contact: Terri Lenz, (608) 264-9596, Mobile Home Program, DOH, PO Box 8944, Madison, WI 53708-8944.

Mortgage Banking

For information on mortgage banking and other related financial services issues, as well as consumer credit transactions, contact: Department of Financial Institutions, 345 W. Washington Avenue, Madison, WI 53703, (608) 261-9555.

Mortgage and Home Buying Information

Several sources of information on mortgages and home buying:

- Bank Rate Monitor: Internet: <http://www.bankrate.com> (for mortgage rates and guide to mortgages)
- Federal National Mortgage Association (Fannie Mae): (800) 732-6643; Internet: <http://www.homepath.com>
- HSH Associates: (800) 873-2837; Internet: <http://www.hsh.com>
- Mortgage Bankers Association of America: Internet: <http://www.mbaa.org> (look for the consumer information section)
- Mortgage Market Information Services: Internet: <http://www.interest.com> (for information on mortgage rates)
- U.S. Department of Housing and Urban Development (HUD): Internet: <http://www.hud.gov>

Property Tax Deferral Loan Program -- WHEDA

- Offers loans to assist owner occupants over age 65 with property taxes so residents with sufficient home equity and limited disposable income can pay all their taxes on time. Reimbursement is not required until the home is sold.

Contact: Wisconsin Housing and Economic Development Authority, PO Box 1728, Madison, WI 53701-1728, (800) 334-6873.

Real Estate

For information on real estate agent, appraiser and inspector issues contact: Department of Regulation and Licensing, (608) 266-7482.

Residential Care Apartment Complexes

- For information on issues relating to residential care apartments contact: Department of Health and Family Services, Bureau of Quality Assurance, (608) 264-9888.

Resident Information

- A number of housing organizations provide assistance regarding problems associated with default, foreclosure, eviction, refinancing or other existing homeowner or rental crisis situations.

Contact: Any counseling agency.

Supported Living Programs -- WI Dept. of Health & Family Services,

- Provides funding to counties to assist eligible low-income long-term care recipients for health, safety and accessibility in owner-occupied or rental housing.
- Program areas include:
 - a) Community Options Program (COP)
 - b) Community Integration Program (CIP)
 - c) Traumatic Brain Injury Program
- Long term care recipients may include elderly persons and adults or minors with physical, developmental or severe or persistent mental illness disabilities.
- Provides funds through Community Support Programs and recommends appropriate housing for people with psychiatric disabilities.

Contact: A local human services agency. For elderly and assisted living households, contact a local County Aging office or Bureau of Long Term Care and Resources, 217 S. Hamilton Street, Suite 300, Madison, WI 53703, (608) 266-2536.

For minors/adults with severe and persistent mental illness, developmental disabilities or physical disabilities, contact Marcie Brost, Supported Housing

Specialist, Division of Supported Living, 1 W. Wilson Street, Room 418, Madison, WI 53703, (608) 267-0214.

For persons with psychiatric disabilities, contact Chris Hendrickson, Bureau u of Community Mental Health, Division of Community Services, Department of Health and Family Services, 1 West Wilson Street, #433, P.O. Box 7851, Madison, WI 53707, (608) 267-9282.

Urgent Need Housing Programs

For addressing emergency housing needs experienced by low income people in various communities contact:

- In Milwaukee contact: A-Call (414) 276-0764.
- In large cities: city planning or community development office (see page 18).
- In non-metropolitan areas: Rural Housing, Inc., 4506 Regent Street, Madison, WI 53705, (608) 238-3448.
- Local county social service agency
- Damages due to a local disaster: Kathy Hanson, Emergency Assistance Program, DOH, PO Box 8944, Madison, WI 53708-8944, (608) 264-8503.

Finding a Perfect Rental Unit

Owning a home may be one of the "great American dreams", but **the reality** is that most families will rent homes for part, if not all of their lives. This information may help families through the rental process.

The work sheets have been designed as a guide through the various stages of selecting and renting a unit. They are meant as a guide, to make a difference in which unit you will select as your new home. There are areas to note your personal circumstances because no two families are alike.

HOUSING AFFORDABILITY WORK SHEET

The first thing you need to figure out is how much rent you can afford to pay. You can do that by adding up your income and deducting your expenses. What's left over is what you can pay in rent. If there's not enough income left after you pay your expenses you'll have to look at your expenses and see if there's something you can do without. Remember to consider if you will have to pay your own utilities.

MONTHLY INCOME

\$_____ WAGES

\$_____ W-2

\$_____ CHILD SUPPORT

\$_____ SSDI

\$_____ SSI

\$_____ DISABILITY

\$_____ OTHER INCOME

\$_____ UNEMPLOYMENT INSURANCE

\$_____ WORKER'S COMPENSATION

\$_____ OTHER

\$_____ FOOD STAMPS

\$_____ **TOTAL INCOME**

MEDICAID ☒ YES ☒ NO

EXPENSES

\$_____ LOANS

\$_____ CAR PAYMENTS

\$_____ INSURANCE

\$_____ PERSONAL SUPPLIES

\$_____ FINES

\$_____ CHILD SUPPORT

\$_____ OTHER (clothes, diapers, etc.)

\$_____ UTILITY BILLS

\$_____ OTHER

\$_____ UTILITY BACK PAYMENTS

\$_____ PHONES

\$_____ MEDICAL BILLS

\$_____ FOOD

\$_____ OTHER EXPENSES

\$_____ **TOTAL EXPENSES**

RENTAL REFERENCE WORKSHEET

Landlords will expect potential renters to provide both rental and credit references. References are non-related people who have firsthand knowledge of your habits as a renter and how well you pay your bills -- especially your rent. You should always get the permission of someone you would like to use as reference before you use them.

Rental Reference

- A landlord will want to call your past landlords.
- They will ask him/her whether you paid your rent on time each month.
- They will ask if you took good care of their unit by keeping it clean.
- They will ask if you left any damage or personal belongings or garbage when you left the unit.
- They will ask if you paid the utility bills you were responsible for (heat, electricity, and sewer).
- They will ask why you left.
- They might want to ask your old Landlord if he would rent to you again.

Credit References

- A landlord might want to do a credit check to see if you have any liens or judgments filed against you.
- They may check for unpaid bills with the telephone or utility companies.
- They will want to know if you have ever made regular monthly payments on a bill or towards the purchase of a large item such as a car.
- Paying the bill on time is as important as paying the whole amount. Most landlords understand if you are late paying your rent once in a while as long as this doesn't happen too often. It's important to pay what you owe as soon as possible.

Past Landlord References

Name	Address	Phone #
1.		
2.		
3.		

Credit References

Name	Address	Phone #
1.		
2.		
3.		

UNIT SEARCH WORKSHEET

Is the unit still available? ____ Yes ____ No

Address: _____

Directions: _____

What type of building? ____ Single Home ____ Duplex ____ Tri-plex ____ Four-plex

____ Apartment complex ____ Mobile home ____ Upper floor ____ Lower floor

How much is rent? _____ Security Deposit _____ 1st/Last Months Rent _____

How many bedrooms? _____ What school? _____

What are the terms of the lease (month-to month, 1 year, etc.)? _____

Who pays utilities? (Use LL or T) ____ Heat (type: _____) Lights, ____
Water/Sewer, _____

____ Garbage, ____ Stove ____ garage ____ off street parking ____ no parking
available

____ yard ____ fenced in ____ pets

Other notes about the apartment:

Do I need to complete an application? ____ Yes ____ No Cost? _____

What do I need to supply? ____ Rental references ____ Credit references

Other: _____

Appointment: Day _____ Time _____

Name of person showing unit _____

Reason for not taking the unit:

FAIR HOUSING

Federal, state and local governments all have laws that forbid discrimination in selling and renting housing. Discrimination means to treat certain people or classes of people unequally or differently because of prejudice "pre-judging!" them because of certain characteristics they have.

The law says that people who rent houses or sell houses must treat people equally. If they ask some people certain questions, they must ask everyone those same questions.

It is illegal if, for any of these reasons, a person or business discriminates by:

- Refusing to sell, lease, finance or construct housing.
- Refusing to discuss terms of the sale, lease, insurance financing or rental of housing.
- Refusing to allow inspection of housing for sale, lease or rent.
- Setting different or more stringent conditions for sale, lease, rental, insurance, or financing of housing or residential lots.
- Refusing to renew a lease, causing a tenant's eviction, or harassing a tenant.
- Advertising the sale, lease, financing, insurance or housing which excludes people for any of the illegal reasons listed above.

The U.S. Civil Rights Act of 1966 makes racial discrimination illegal when selling or renting any housing in this country. Title VIII of the Civil Rights Act of 1968 is called the Fair Housing Act. It makes it illegal when selling or renting most housing, to discriminate because of race, color, religion, sex, national origin and, as of March 12, 1989, the presence of children, disability, or physical or mental handicap.

In 1988, Congress added new parts, or amendments, to the law. These changes took effect March 12, 1989. They add to the list of protected classes. Children and their parents, guardians, pregnant women, and people trying to adopt or gain custody of a child cannot be discriminated against. The amendments apply to all housing except qualified retirement or senior citizen's homes, and all buildings of 4 units or less, provided the owner lives in the building.

Wisconsin's Open Housing law protects people from different treatment when it is because of prejudice in 12 areas:

- Sex
- National Origin
- Race
- Sex or Marital Status of the person maintaining a household
- Color
- A lawful source of income
- Sexual Orientation as defined in Section I 11. 21
- Age
- Handicap
- Ancestry

- Religion
- Familial Status

REPORTING DISCRIMINATION IS IMPORTANT

Failure to report discrimination is the greatest threat to the effort to insure fair housing. Individuals covered by one or more of the protected categories are sometimes reluctant to exercise their rights under the law. This unwillingness to use the law allows discrimination to continue.

FOR MORE INFORMATION CONTACT ANY OF THE FOLLOWING AGENCIES:

Equal Rights Division Wisconsin Department of Workforce Development
201 E. Washington Ave. Room 403
Madison, WI 54703
Phone: (608) 266-6860

U.S. Department of Housing and Urban Development
Fair Housing and Equal Opportunity Division
310 W. Wisconsin Ave., Suite 1380
Milwaukee, WI 53203-3123
Phone: (414) 297-3123

Fair Housing
U.S. Department of Housing and Urban Development
Washington, D.C. 20410

HUD Discrimination Complaint Hotline
Washington, D.C. 20410
Phone TOLL FREE: (800) 424-8590

Consumer Protection Agency
Eau Claire, WI 54703
Phone: (715) 839-3848

TENANTS' RIGHTS AND RESPONSIBILITIES IN WISCONSIN

When renting a house or an apartment from someone, you enter into a legal arrangement known as a landlord and tenant relationship. As a tenant you have certain rights and responsibilities. To avoid problems, it is important that you know what those rights and responsibilities are:

What You Should Know Before You Rent

Landlords may not advertise or rent condemned property.

Landlords must disclose any uncorrected housing code violations of which they have received notice. They must also reveal any other defects which may result in a

substantial hazard to health or safety, such as structural defects, a lack of hot and cold running water, or serious plumbing or electrical problems.

If the heating unit is incapable of maintaining a temperature of at least 67° Fahrenheit, this fact must be revealed.

If you are required to pay for utilities, the landlord must disclose this fact in advance. If the dwelling unit is one of several units which are not individually metered, the landlord must disclose how the utility charges will be allocated among the individual dwelling units.

You have the right to inspect the rental unit before you rent it.

Any promises of repairs by a landlord should be provided to you in writing including a completion date, before you agree to rent the property.

Rental agreements are not required to be in writing. However, if there is a written rental agreement, the landlord must give you an opportunity to read it before you decide to rent. If you should then decide to rent the premises, you must be furnished with a copy of the agreement.

If the landlord requires an earnest money deposit with your rental application, the landlord must return the entire deposit if your application is rejected. If for some reason you decide not to rent the premises, the landlord may withhold from your deposit actual costs or damages incurred because of your decision not to rent. Upon request, the landlord is required to give you an itemized accounting of the amount withheld.

If a security deposit is required, you have 7 days from the first rental date to inspect the premises and notify the landlord of any defects so that they will not be unfairly charged to you. You should notify the landlord in writing and keep a copy for your own records. In addition, if you pay a security deposit, the landlord must, at the beginning of the tenancy, give you a list of any property damages charged to the previous tenant.

What You Should Know While Renting

At the start of a tenancy, the landlord must provide you with the name and address of a person who can readily be contacted regarding maintenance problems.

The landlord is responsible for making any repairs which are necessary to comply with local housing codes and to keep the premises safe and sanitary. If the landlord refuses to repair major building defects, you may report the defect to your local housing code authority. The landlord may not retaliate by evicting you because you have reported a housing code violation.

Unless otherwise agreed, tenants are usually responsible for routine minor repairs such as the replacement of washers and light bulbs which can be done at a minimal cost. You are also required to comply with any maintenance and sanitation requirements imposed on tenants by local housing codes.

You are financially responsible for any damages which you or your guests cause.

A landlord has the right to inspect, repair and show the premises at reasonable times. Except for emergency situations, the landlord may only enter after a 12-hour advance notice unless you allow entry on shorter notice.

If you are a tenant renting by the month, the landlord may raise your rent by giving you written notice at least 28 days before the next rent due date. There are no statewide rent controls in Wisconsin, nor is there any state law limiting the amount of a rent increase.

If instead of a month-to-month tenancy you have an agreement to rent the premises for a specific period of time, for example a one-year lease, the rent may not be increased during that time unless specifically stated in the lease.

What You Should Know About Terminating a Tenancy

If you are renting by the month, the landlord may terminate the rental agreement by giving you a written termination notice at least 28 days before the next rent due date. You must use the same procedure in notifying the landlord of your intent to terminate the rental agreement.

Rental agreements which are for a specific period of time, such as one year, usually terminate automatically at the end of the lease term, unless the rental agreement specifies otherwise. If the lease provides that it will be automatically renewed or extended unless you give advance notice of termination the landlord must "remind" you of the provision at least 15-30 days in advance of the notice deadline. Otherwise, the landlord may not attempt to enforce the automatic renewal.

If you fail to pay your rent or if you recklessly damage property or break the rental agreement, the landlord can terminate the tenancy on short notice:

If you are renting on a month-to-month basis, the landlord may give you a written notice to vacate the premises within 5 days if you do not pay your rent or correct the default within that 5-day period. On the other hand, the landlord may give you a written notice to vacate the premises within 14 days without any opportunity for you to continue the tenancy.

If you are renting under a lease agreement for a specific time period, such as a one-year lease, the landlord may give you a written notice to pay the rent or correct the

default within 5 days. If you default a second time during your lease period, the tenancy may be terminated by the landlord on 14 days notice without any opportunity for you to continue the tenancy.

If you refuse to leave the premises after your tenancy has been terminated by the landlord, the landlord may start an eviction action against you in Small Claims Court. Until a court eviction order is carried out by the sheriff, the landlord may not "take the law into his own hands" by confiscating or "locking in" your personal belongings or by using force to remove you from the premises. However, if the court determines that you have wrongfully overstayed and occupied the premises, the landlord could be awarded twice the amount of rent, prorated on a daily basis, for each day you unlawfully occupy the premises.

Acknowledgments

Department of Administration
Division of Housing
(608) 266-0288
Internet: <http://www.doa.state.wi.us/doh/doh.html>

CHAPTER 4: EDUCATION AND TRAINING

Education and training is a critical component of W-2. Combining education and training with work experience yields long-term results more often than either education or work experience alone. By choosing appropriate education and training placements, the FEP has an opportunity to facilitate participants' movement to higher levels of employment and promote self-sufficiency.

This section details the responsibilities of the W-2 agency and outlines strategies to help participants meet specific education and training needs or goals.

BASIC RESPONSIBILITIES

The W-2 agency is responsible for identifying and supporting the education and training needs and goals of all W-2 eligible customers. The goal of education and training provided or supported by the W-2 agency should be to enhance participants' skills and meet local labor market demands.

W-2 agencies must make participants aware of what is available, and establish broad-based partnerships with educational groups and institutions, local employers, transportation and child care providers, and other community-based organizations. This comprehensive approach most often results in meaningful and appropriate education and training opportunities.

EDUCATION AND TRAINING OPTIONS

For Those in Employment Positions (W-2 T and CSJ)

W-2 Transition (W-2 T) participants may be assigned up to 12 hours per week for education and training activities, and Community Service Job (CSJ) participants up to 10 hours per week. Child care subsidies are available for periods of assigned education or training, just as they are for work experience training.

Aggregation

In many instances, 10 or 12 hours per week is not enough to meet specific participant needs. In these cases, total education and training hours for each six-month placement may be aggregated up front to accommodate short-term basic education or skill-specific training programs that require more time. Total available hours per placement is calculated as follows:

- **W-2 T** 6 month placement X 12 hours/wk X 4.3 wks/month = **310 hours**
- **CSJ** 6 month placement X 10 hours/wk X 4.3 wks/month = **258 hours**

FEPs can assign total available hours in any way necessary to accommodate education or training within each six-month placement, as long as some work experience activity is included each week. Two examples follow.

AGGREGATION EXAMPLE #1:

If Alicia participates in a welding course for 24 hours per week, along with 16 hours of work experience training activities, she could attend training for 11 weeks (258 hours/24 hours per week = 11 weeks).

Example 2 identifies a participant wishing to participate in skill-specific training, but also in need of additional time each week to begin work in a GED program.

AGGREGATION EXAMPLE #2:

Dawn wishes to enroll in a 10 week, 15 hour per week basic manufacturing course, but would also like to participate in a GED course (or HSED, English-as-a-Second Language, etc.).

Dawn may attend the basic manufacturing course for 15 hours per week (15 hours per week X 10 weeks = 150 hours), leaving 108 hours (258 hours total - 150 hours for basic manufacturing course) to devote to the GED course over the six-month CSJ. These hours could be divided out however it works best for her, keeping in mind that some work activity that simulates an actual half or whole day must be included in each week.

Activities that may be included in the Employability Plan include Adult Basic Education, short-term skills training, and job seeking/job keeping skills training.

For Those Not In Employment Positions

Individuals participating receiving case management services only also have numerous opportunities to become involved in education and training. Wisconsin's Job Centers offer a variety of connections to education and training of all types.

Child care subsidies for time spent in class are available for families at or below 165 percent of the Federal Poverty Level after a nine-month workforce attachment is demonstrated. Current law does not require the workforce attachment, or current hours, to be full-time; however, the individual must continue working while receiving the subsidy.

The Employment Skills Advancement Program (ESAP) scholarship is also available to those in unsubsidized employment, though not to those in Trial Jobs. See Chapter 17 of the W-2 Manual for more information on ESAP, which offers up to a \$500 matching scholarship to those interested in continuing education.

Practical Applications

The following practical applications demonstrate the ways in which education and training needs of individuals may be met.

PRACTICAL APPLICATION #1:

Education and Training Scenario for a *Community Service Job*

May Kao Vang, a 44 year old mother of 6 school age children, has limited English proficiency. She has worked on and off in manufacturing, becoming a good worker limited only by poor communication with supervisors. She meets with a FEP who determines that a CSJ placement would best suit May Kao's needs and assists with child care arrangements.

The FEP aggregates education and training hours, assigning May Kao to an intensive 12 week, 20 hour per week English-as-a-Second Language (ESL) course at the community center, emphasizing words commonly used by local manufacturers. May Kao also participates in work experience training at a supply warehouse while Job Center staff work to help May Kao find a good job in manufacturing upon completion of the ESL course.

PRACTICAL APPLICATION #2:

Education and Training Scenario for *Unsubsidized Employment*

Pam, a mother of 3, is earning \$7.00 per hour (plus an average of \$150/month in commissions) and full benefits in her full-time position with Amerivoice Telecommunications. She got the job after completing a short-term training course as a CSJ participant. She now wants to complete work on her High School Equivalency Diploma (HSED).

Pam continued in case management after job placement. Her FEP helped her arrange child care for her youngest son while she works. In addition, since Pam has been employed with Amerivoice for nine months, she is now eligible for a child care subsidy during the time she attends classes at the Job Center to attain her HSED.

TYPES OF EDUCATION AND TRAINING

Adult Basic Education

Partnerships with local technical colleges, literacy providers, or private organizations can help the W-2 agency provide Adult Basic Education courses. These courses may be incorporated into education and training hours available under the CSJ/W-2T, or after unsubsidized job requirements are met. Basic Education courses include:

- reading, writing, math, science and social studies from beginning levels through high school;
- preparation for the GED;
- preparation for the HSED (including the External High School Diploma program);
- English-as-a-Second Language; and
- workplace basic education skills.

For participants without a high school diploma, activities should be assigned to move them toward a diploma or the equivalent as quickly as possible. High school completion is a powerful indicator of the ability to achieve sustained employment and self-sufficiency. The ability of FEPs to thoughtfully assign education and training activities as part of the employability plan is crucial.

Education for 18 and 19-year-old Parents

The W-2 agency must permit W-2 eligible 18 and 19 year olds--who have not obtained a high school diploma or the equivalent--to attend a traditional or alternative high school, or to enroll in a course of study that meets established standards for an equivalency diploma. Taking part in such programs may satisfy, in whole or in part, the required hours of participation in a CSJ. Child care subsidies will be available for time spent in class.

Minor teen parents who are enrolled in school, and whose families meet income eligibility standards, have a minimal copay for child care (\$3-5 per week). Teen parents participating in the Learnfare program, whose parents are engaged in W-2 employment positions, have no copay requirement.

Local literacy organizations can provide individual or group tutoring for those who wish to enhance reading and writing skills, math skills, and English-as-a-Second Language skills. Many literacy groups and postsecondary institutions (including the Wisconsin Technical College System), offer to evaluate, often at low or no cost, a person's basic education and/or literacy skills.

Short-term Skills Training

Local technical colleges and other providers can provide short-term training that facilitates an immediate attachment to the workforce, and may result in a desire to

continue with vocational or traditional postsecondary education after securing employment. Available short-term training programs include:

- child care certification;
- hospitality/hotel training;
- landscaping;
- welding;
- Certified Nursing Assistant;
- keyboarding/data entry;
- basic office skills;
- machine operations;
- electronic assembly;
- cashier/checker; and
- building maintenance/custodial service.

In addition to the existing curricula above, technical college staff skilled in working with business and industry can design and deliver customized training for job seekers. In a subsidized training situation, special programs could be designed to upgrade participants' skills for transfer to an unsubsidized position.

Job Search and Job Retention Skills

A majority of W-2 participants can benefit from training activities designed to help them learn the basic skills of job search. The agency should have at their disposal a wide range of workshops and resources to build workplace competencies. W-2 agencies have, in partnership with others, developed a variety of workshop topics that are scheduled on a regular basis, including:

- career explorations, job seeking and employability skills;
- how to accurately complete a job application;
- resume creation, preparation, development, and revision;
- interviewing techniques, including role playing, video taping and critiquing;
- appropriate personal grooming/attire;
- improving work habits; work maturity skills (e.g., use of public transportation);
- job retention skills, including decision-making and planning for emergencies;
- time management and dependability;
- improving interpersonal communication and teamwork skills;
- labor market forecasting, and exploring the hidden labor market;
- methods for job advancement;
- employer expectations, qualities employers look for, reasons people lose jobs; and
- networking skills.

Motivation

In addition to job search skills, some W-2 participants may benefit from motivational activities. These classes address employment limitations and prepare an individual for work by teaching expectations and behaviors necessary to successfully compete in the labor market. Training should focus on the skills necessary for the individual to build self-esteem and increase self-confidence. Examples include:

- assessment and treatment activities related to addressing barriers to employment;
- instruction on communication styles/personality types;
- communication skills/image;
- identifying and developing plans for short-term and long-term goals;
- career decision making skills, career exploration and vocational area identification;
- evaluating work patterns, skills and abilities;
- mentoring, encouragement and support; and
- motivation classes.

Job search skills and motivation are vital in the move toward self-sufficiency. Independence, though, is rarely achieved with the first paycheck. Being truly self-sufficient requires many skills in addition to those needed to get a job. Job Centers, UW-Extension Family Living Specialists and others regularly offer classes that assist in life skill development in the following critical areas:

- parenting skills;
- proper family nutrition;
- household budgeting;
- household management;
- time management;
- self-sufficiency skills;
- home ownership; and
- Earned Income Tax Credit education.

Education and training opportunities are also available for those in Trial Jobs or unsubsidized employment, and range from life skills instruction to supports for continuing education.

STRATEGIES AND COLLABORATION

Though many education and training possibilities exist under current W-2 policy, actual opportunities are sometimes limited by insufficient local capacity. This is another reason to concentrate on building partnerships that will meet individual needs. In order to do this, W-2 agencies must build partnerships with local technical colleges, UW-

Extension offices, literacy groups and other public, private, or community-based organizations.

Individuals participating in other employment program or social service agency activities, including JTPA and DVR, may be eligible to participate in W-2 employment positions. The FEP may incorporate other agency activities into the W-2 employability plan to the extent that they are consistent with the W-2 employment goal. For example, some substance abuse programs provide life skills training in addition to counseling and treatment. Also, many Head Start programs and programs for parents of disabled children, like Birth-to-Three have an education component.

The Division of Vocational Rehabilitation (DVR) may be used to assess the needs of W-2 participants that have significant barriers to employment. Upon examination of the DVR plan, the W-2 agency can incorporate all or part of the plan into the W-2 Employability Plan. (See Appendix A for more information regarding the DVR plan for employment.)

Local technical colleges have the capacity to perform in-depth aptitude assessments, skill assessments and academic assessments. They have counseling staff available to assist participants in the selection of careers appropriate to the participants' abilities.

CHAPTER 5: WORK COMPETENCIES

This chapter will present some tools for measuring basic workplace competencies. It will include summaries of tools such as the General Aptitude Test Battery (GAB), with guidelines for situation appropriateness. It will also include the Job Training Partnership Act (JTPA) workplace competency standards.

W-2 agencies can consider the use of computer software packages that help the participant explore various career fields. PLATO is one example of a software program that helps a participant complete a self-assessment of their employability skills. As an additional benefit, its use may increase a person's keyboarding skills. The Basic Education Skills Test (BEST) can help determine job level placement, by evaluating a person's ability to perform entry-level, oral, and written tasks.

The more frequently used tests for adult basic education in Wisconsin include the Tests of Adult Basic Education (TABE), the Slosson Oral Reading Test (SORT), and the Nelson-Denny Reading Test. The results of adult basic education testing should be entered into the participant's educational assessment in CARES and considered when developing an employability plan as well as determining further educational needs.

Standardized tests of work competencies have generally not been validated for participants with limited English skills. Such test may provide useful insights but should not be relied upon for the sole evaluation tool for populations with different language or cultural backgrounds. A careful evaluation of the skills used in prior work, or a hands-on demonstration of skills, may improve the accuracy of the assessment of such participants.

CHAPTER 6: PERSONAL BARRIERS

The previous chapters focused on identifying external barriers. This chapter provides more detailed information regarding some common personal barriers to employment. After conducting a readiness screening, or noting some “red flags” described in the last chapter, the FEP may still need additional information to ensure a successful placement. In some cases, more investigation may be in order.

Some persons with barriers to employment are reluctant to share that information. Regardless of the reason, identifying significant barriers to employment is vital to ensuring continued success in the program.

The following sections present information about various employment barriers. Each section discusses:

1. The barrier in general,
2. How to identify a person with the barrier and other outside programs that exist to assist that person, and
3. Where to go for more information.

A blank chart at the end of this section can be used to record information about additional barriers that may be specific to your local participant population.

ALCOHOL AND OTHER DRUG ABUSE (AODA)

Description

Substance abuse or alcohol and other drug abuse (AODA) issues involve misuse, or overuse of legal or illegal substances, where such use impacts a person's ability to fulfill their responsibilities to their family or their employer. AODA may be admitted by the participant, reported by close friends or family, or may be suspected by the agency or employer based on participant behaviors.

Identification

Self Identification

The best and easiest beginning to a solution will be self identification of a problem. To facilitate this, you may use the screening tool at the end of the section. The screening tool asks many questions which are also asked during the interactive interview. The FEP may use the screening tool to assess responses to the replies given during the interactive interview. The short questionnaire may be administered orally, or could simply be presented to the participant for their own private consideration.

Other Indicators

Many persons will not self report AODA problems. However, they may present other behaviors that are indicative of a substance abuse problem. Specifically, watch for:

- obvious physical signs, like alcohol on the breath, burned fingers, extreme clumsiness, or incoherent speech;
- chronic physical conditions, like loss of weight, or other chronic conditions that require frequent doctor visits or hospitalization;
- lack of participation, without a readily verifiable reason (the person may even be verbally uncooperative in order to disguise the problem);
- loss of contact with the agency (a person may simply drop out);
- sudden or wide mood swings or displays of emotion, energy, or enthusiasm, or
- legal problems or arrests, including domestic violence, disorderly conduct, or assault arrests.

Resources and Referrals

For more information about substance abuse, please contact a local substance abuse treatment center, or:

Department of Health and Family Services
Bureau of Substance Abuse Services
(608) 266-2717

Screening information is provided on the following pages.

Acknowledgments

Wisconsin Department of Health and Family Services
Bureau of Substance Abuse Services

W-2 SCREEN FOR SUBSTANCE ABUSE AND DEPENDENCE

Background

Included in this section are a series of discussion questions that a FEP might use to uncover substance abuse. Following the screen is a list of supplemental questions that may be administered orally, or self administered and discussed with the FEP or a substance abuse professional.

Substance Abuse and Dependency Defined

"Substance abuse" is defined in the medical field as a maladaptive pattern of alcohol or drug use leading to significant problems at work, school, or home; health problems; interpersonal relationship problems; and/or public safety problems. An individual moves into "substance dependence" when there is evidence of tolerance (using more to achieve the desired effect), an inability to control use, and physical withdrawal.

Prevalence of Substance Abuse and Dependency

It is estimated that 27% of participants receiving cash assistance may be abusing or dependent on alcohol or other drugs. Between the ages of 18-24, the estimated level is 37%. While these estimates are cited from a 1994 Columbia University nation-wide study of women AFDC participants, the estimates show the average prevalence of substance abuse among welfare recipients.

W-2 Preliminary Substance Abuse Screening Questions

Unlike most other health or financial problems, behavioral health and particularly substance use disorders, are not readily admitted. The following questions and question order have been developed to reduce the chances that a participant will become defensive and misrepresent him/herself for reasons related to fear of losing a child, prosecution, being committed to a rehabilitation center, or other personal reasons. The best way to screen for substance abuse is to incorporate the questions into a broader conversational inquiry, for example, a medical problem, a crisis, loss of a job, job placement, work readiness interview, compliance interview, or other type of contact in which information is needed from the participant. The information gathered from this preliminary screen does not result in a numerical score indicating that the participant does or does not have a significant alcohol or drug abuse problem, but the information gathered will raise suspicions that could be clarified by a referral to an alcohol/drug abuse professional.

HEALTH:

Do you have any medical problems?

Are you taking any medications?

Are there any side effects?

Have you been to the doctor in the past year?

What for?

NOTE: Compare answers; look for vague understanding of what the problem(s) is, consistency in response; if taking medication, s/he should have said they have a medical problem; if there are any obvious tremors, sleepiness, red eyes, or hyperactivity, s/he may say they are side effects from medications when really they are from alcohol or habit forming drugs; look for vague descriptions or understanding of medical problems; look for very few or no doctor visits with vague or poor excuses for not seeing the doctor more regularly.

When was the last time you were in the hospital?

What happened?

What about other hospitalizations?

What were they for?

Did you go in through the emergency room?

Did you get a doctor referral?

NOTE: Look for a pattern of accidents, injuries, or assaults; pattern of emergency room admissions; look for vague answers or vague descriptions of incidents; lack of doctor referral; remarks such as "I just passed out", "felt dizzy", "just didn't feel well."

Have you ever received help from a professional counselor or therapist?

What for?

NOTE: Risk of substance abuse is high among persons treated for mental health problems; the participant may also share an experience in rehabilitation, with Alcoholic Anonymous (AA) or a drug counselor.

FAMILY:

Do you have any children? How many?

How old are they?

What are their birth dates?

NOTE: Watch for hesitancy or not knowing; check out dates with other records.

Are they in your care?

NOTE: Look for pattern of out-of-home care; care by ex-spouse.

If school-age children, ask "What school do they go to?"

How are they doing in school?

Do you have any problem getting them to school everyday?

What are their teacher's names?

NOTE: Substance abusers will not admit that their children are having any school-related problems; they may not know the names of their schools or teachers.

SOCIAL:

Do you have any family members or friends that have a chronic illness?

Do any of them abuse alcohol or drugs?

How does this affect you?

If no to the first two questions, ask "What kinds of things do you do in your spare time?"

NOTE: The first three questions will bring out the person's attitudes towards alcohol or drug abuse; do they tolerate it, view it as not that harmful? Look for statements that minimize "that's just the way we are." Are they defensive? Persons who have drinking or drug using family and friends they see socially, may use alcohol or drugs themselves. Look for vague answers which suggest little structure in their free time.

EMPLOYMENT HISTORY:

What kind of jobs have you had?

What kind of job would you prefer?

Would you rather work by yourself or with others?

How would you feel about working in a drug and alcohol-free workplace or a company that requires drug testing?

If they would mind, ask "Why"?

NOTE: A preference for working alone is often characteristic of alcohol or drug abusers in order to avoid conflicts or hide their use; relaxed attitudes about alcohol or drug use before or during work times may be indicative of personal use.

LIVING SITUATION:

How long have you lived at your present address?

Before that, where did you live?

If the individual has lived at many different places in the past year or so, ask "Why have you moved so many times?"

NOTE: Substance abusers move around a lot; may be "staying" with someone for the purpose of obtaining or continuing their use of alcohol or drugs; may have been evicted; probe for a reason that may be related to alcohol or drug use. If the information, taken together, raises your suspicions about a possible alcohol or drug problem, you could take any of the following courses of action:

1. Ask more detailed questions about the individual's alcohol or drug use (see the supplemental substance abuse questions).
2. You could refer the participant to an alcohol or drug professional for further evaluation.

Supplemental Substance Abuse Screening Questions

1. How would you feel about working in a drug and alcohol-free workplace or a company that requires drug testing?

☐ Would mind, why?

☐ Would not mind
2. The next several questions are about your alcohol and drug use, would you have any objection to answering them?

☐ YES
☐ NO
3. Do you feel your alcohol or drug use would cause work attendance or work performance problems?

☐ YES, how?

☐ NO
4. How often do you have a drink containing alcohol? (Check only one answer)

☐ Daily or nearly daily
☐ Weekly
☐ Monthly
☐ Less than monthly
☐ Never
- 4a. When you do drink, about how many drinks do you usually have ? (Check only one answer)

☐ 10 or more
☐ 7-9
☐ 5-6
☐ 3-4
☐ 1-2
☐ I do not drink

5. How often do you use drugs like marijuana, tranquilizers, cocaine, LSD, heroin, uppers, or downers, for other than medical reasons? (Check only one answer)

☐ Daily or nearly daily
☐ Weekly
☐ Monthly
☐ Less than monthly
☐ Never

6. How often do you use amtryptymate? (Check only one answer)

☐ Daily or nearly daily
☐ Weekly
☐ Monthly
☐ Less than monthly
☐ Never

7. In the past 12 months, have you drank alcohol or used drugs more than you meant to? If so, how often (Check only one answer)

☐ More than 10 times
☐ 5-10 times
☐ 3-4 times
☐ 1-2 times
☐ No

8. In the past 12 months, have you wanted or needed to cut down on your drinking or drug use?

☐ YES
☐ NO

9. In the past 12 months, have friends or relatives worried or complained about your drinking or drug use?

☐ YES
☐ NO

10. Do you find you're using more and more alcohol or drugs to get the effect or high you want?

☐ YES
☐ NO

11. In the past 12 months, have you gone through withdrawal, or had the shakes, or had seizures, or DTs, or hallucinations after stopping your use of alcohol or drugs?

☐ YES
☐ NO

12. In the past 12 months, has your drinking or drug use caused health, family, emotional, job, school, legal, relationship, or financial problems? (Check all that apply)

☐ Health
☐ Family or other relationships
☐ Emotional
☐ Job
☐ School
☐ Legal, including an arrest or police call
☐ Financial
☐ No

13. Do you feel resentful if you don't get your own way? (Check only one answer)

☐ Usually
☐ Occasionally
☐ Seldom
☐ Never

14. In the past 12 months, have you received treatment or help for an alcohol or drug problem?

☐ YES
☐ NO

Supplemental Substance Abuse Screening Questions

Interview Guide

The first two questions are designed to broach the issue of alcohol and drug use:

- 1. How would you feel about working in a drug and alcohol-free workplace or a company that requires drug testing?*
- 2. The next several questions are about your alcohol and drug use, would you have any objection to answering them?*

The third and fourth questions serve two purposes: They introduce the respondent to questions about their use of substances and it gives an indication of the frequency of alcohol use. Sixty or more drinks per month is representative of only five percent of the population.

- 3. Do you feel your alcohol or drug use would cause work attendance or work performance problems?*
- 4. How often do you have a drink containing alcohol? (Check only one answer)*
[] Daily or nearly daily (warrants further discussion)
- 4a. When you do drink, about how many drinks do you usually have?*

Like question #4, this fifth question serves two purposes: it introduces the respondent to questions about their use of substances and it gives an indication of the frequency of other drug use.

- 5. How often do you use drugs like marijuana, tranquilizers, cocaine, LSD, heroin, uppers, or downers, for other than medical reasons? (Check only one answer)*
[] Daily or nearly daily (warrants further discussion)
[] Weekly (warrants further discussion)

An affirmative response to the sixth question may be used to identify someone who is faking a problem.

- 6. How often do you use amphetamine?*

The seventh and eighth questions point to one of the clinical symptoms of dependency, which is a loss of control over use. These two questions are also scientifically determined to be very useful in substance abuse screening.

- 7. In the past 12 months, have you drunk alcohol or used drugs more than you meant to? If so, how often (Check only one answer)*

- ☐ *More than 10 times (positive response)*
- ☐ *5-10 times (positive response)*
- ☐ *3-4 times (positive response)*

8. *In the past 12 months, have you wanted or needed to cut down on your drinking or drug use?*

The ninth question is indicative of a substance abuse problem in general and is particularly useful in screening for substance abuse in women.

9. *In the past 12 months, have friends or relatives worried or complained about your drinking or drug use?*

Question ten is an indication of tolerance.

10. *Do you find you're using more and more alcohol or drugs to get the effect or high you want?*

Question eleven is a symptom of physical dependence.

11. *In the past 12 months, have you gone through withdrawal, or had the shakes, or had seizures, or DTs, or hallucinations after stopping your use of alcohol or drugs?*

This question is a symptom of abuse or dependency and gives an indication of disruption in activities of daily living.

12. *In the past 12 months, has your drinking or drug use caused health, family, emotional, job, school, legal, relationship, or financial problems? (Check all that apply; only one is necessary for a positive response)*

A seldom or never response to the thirteenth question may be used to identify someone who is trying to cover up a problem.

13. *Do you feel resentful if you don't get your own way? (Check only one answer)*

This last question is necessary to identify those individuals who have recently received or are currently receiving treatment for a substance abuse problem.

14. *In the past 12 months, have you received treatment or help for an alcohol or drug problem?*

☐ *Yes (warrants further discussion)*

INTERPRETATION

Two or more positive responses to questions 7 through 12 are indicative of a substance abuse problem that will likely interfere with work goals. A positive response to question 7 would be 3 or more times.

Daily or nearly daily use of alcohol (question #4) or weekly or more frequent use of other drugs (question #5) warrants a discussion between the FEP and participant to determine whether or not it will interfere with work goals.

A positive response to question 14 should be followed up to determine when or if employment is possible.

Circle positive response items:

7
8
9
10
11
12

CHILDREN WITH SPECIAL NEEDS

Description

Children with special needs may have physical disabilities, developmental delays, chronic health conditions, behavioral problems, or sensory disabilities.

Great variation exists in the needs of children with special health problems. Some children may succeed, do well in school and are accepted in many day care settings. But others have more demands than day care centers can provide. Some children may need constant or frequent care throughout the day, others may have irregular needs, such as extended or frequent illnesses, and frequent trips to doctors or emergency rooms. Some children may also have needs that disturb the sleep of the parent or caregiver, making it difficult to work a 40 hour week. Other children have higher demands that require parent's involvement and may not be suited to a day care center environment.

Additionally, some programs, like the Birth-to-Three program, focus on parent education and training to further assist the child's development. This parental involvement is vital to the child's success and progress. In addition to professional services, many children require follow through at home by the parents on therapies, treatments and other goals. This continuity of care and contact with the parent is critical to improving the child's development and may be time consuming for the parent.

Identification

When parents have young children, FEPs should inquire about their school attendance, or need for child care. Generally, parents will report that they have children with special needs. If a parent does have a child with special needs, and the child is participating in any special programs, like the Birth-to-Three program, or special education programs in school, the FEP should obtain a written consent to contact the service coordinator, teachers or other professionals involved in the child's development or education. These professionals are an important resource in understanding how the child's special needs may impact employment for the parents.

While some parents will be able to communicate problems very clearly, some parents have disabilities themselves and may have great difficulty communicating their barriers. It is critical that appropriate child care is available to ensure the health and safety of a child with special needs. When interviewing families with school-age children with special needs, the worker the FEP or SSP should discuss what child care plans have been made for the summer or other school breaks. A parent who has support by the school available during nine months of the year may not have the necessary support system when school is not in session. Under the Americans with Disability Act (ADA), generally, a child care provider may not refuse to accept a child with a disability and

must make reasonable accommodations in order to serve the child. However, it may be difficult to find a providers who are trained to care for children with special needs.

To facilitate this discussion, a screening tool is provided in this section.

For more information, *Caring for a Child With a Disability: Daily Challenges and Barriers to Work* is included in this section.

Resources and Referrals

The Birth-to-Three Referral and Assessment Process

A major source of support for parents of disabled infants and toddlers with developmental delays is the Birth-to-Three program. Birth-to-Three provides family centered services to infants and toddlers with developmental delays or disabilities. This is a federal entitlement program offering a statewide system of services. Referrals can be made to the program through a county referral network. Members of the network include parents, doctors, nurses, hospitals, clinics, schools, social workers, day care centers and organizations or agencies that come into contact with young children.

When a member of the network suspects a developmental need, a referral must be made to the Birth-to-Three program within two days. Once a formal referral is made, a decision will be made to either conduct a formal screening or to begin the early intervention evaluation process. Within 45 days, a Birth-to-Three Service Coordinator obtains the consent from the parent to do an evaluation and an early intervention team evaluates the child to determine eligibility.

A determination of developmental delay is made by a team of professionals through a formal evaluation. This is supported by a developmental history of the child and other pertinent information, observations made of the child in his or her daily settings, including how the child interacts with people and familiar toys and objects in the child's environment; and a determination of a significant developmental delay. Children with diagnosed physical or mental conditions known to result in delay such as Down Syndrome, spina bifida, etc. are also included. Areas of development include cognitive, physical (including vision and hearing), communication, social and emotional, and adaptive development which includes self-help skills.

Following the evaluation and assessment, the Early Intervention Team and the parents meet to develop an Individual Family Service Plan (IFSP). This documents the goals for the family and child and early intervention services that will be provided to the child and family. This IFSP is reviewed at least every six months with a meeting of the IFSP team to be held at least annually. Ninety days before the third birthday, a transition plan must be completed. Depending on the child's development, he or she may

transition into a day care, Head Start program, early childhood program, special education in the public schools, regular preschool, etc. For more information about the Birth-to-Three program, contact the local Birth-to-Three primary point of referral agency.

Other Resources

SUPPLEMENTAL SECURITY INCOME (SSI)

Children with severe disabilities may qualify for Supplemental Security Income (SSI) payments. If the child is not receiving SSI, a referral is recommended. For more information about SSI benefits, see Appendix A, or contact:

Social Security Administration

(800) 772-1213

Internet: <http://www.ssa.gov>

SPECIAL EDUCATION PROGRAMS

Children with disabilities are provided state and federal special education laws under the Individuals with Disabilities Education Act (IDEA), which protect children's rights to a free appropriate public education which meets the child's individual needs. The special education is provided by the school district or other public agency in Wisconsin. The special education process consists of: identifying and referring a child with a suspected disability, evaluating to determine whether the child has a disability, developing an individualized education program (IEP), and determining a placement with the least restrictive environment.

Parents play a key role in the special education process. Parents must consent to the evaluation and placement into a special program. Parents are also a part of the decision-making team that develops the child's IEP. Parents who are knowledgeable regarding their rights and responsibilities in obtaining an appropriate education for their child, can be a more effective advocate for their child.

For more information, contact:

Department of Public Instruction

Division of Handicapped Children and Pupil Services

P.O. Box 7841

Madison, WI 53707 -7841

(608) 266-1781

TDD: (608) 267-2427

HOME HEALTH AGENCIES

Home health aids and personal care workers can help ensure that medical and personal care needs are met when the primary caregiver is not available.

CARING FOR A CHILD WITH A DISABILITY **DAILY CHALLENGES AND BARRIERS TO WORK***

I. Caregiving Stress

Meeting daily care needs. Children with disabilities require a higher level of care than children without disabilities. Some children may be dependent on assistance to meet their daily care needs, such as eating, dressing, bathing, and toileting. Other children may require close and constant supervision to monitor their behaviors, such as self-abusive or unsafe behaviors.

Maintaining child health. The health and development of children with disabilities necessitates close monitoring by medical professionals. Parents must make frequent doctor visits to assess their child's development, monitor medication, evaluate the need for specialized equipment, etc. Medically fragile children may be more vulnerable to contracting illness or may experience more severe and lasting illness than children without disabilities.

Completing daily chores. Many parents do not have access to respite care and are not getting time away from their children or their work responsibilities. This means that parents must include their children in their daily routines. Simple tasks such as grocery shopping become very difficult and stressful.

Health problems of parents. Parents may be taking medication to handle physical ailments (e.g., back problems), headaches, and anxiety associated with caring for their families. Stress and anxiety are compounded for parents who worry about how much longer they will be able to care for their child.

II. Single parenthood

Many parents of children with disabilities are single parents. Single parents must rely on their extended family and friends for help and support. Many custodial parents are not receiving any child support.

Multiple roles. Single parents must take on a wide range of roles in their caretaking responsibilities; not only are they parents, but they must also fill the role of nurse, therapist, caseworker, and advocate.

III. Limited Finances

Extra costs. Extra costs incurred in the care of a child with a disability which may not be covered by medical insurance include: modifications to the home environment (such as a ramp into the house), modifications to vehicles, special food

* Adapted from a paper prepared by the Wisconsin Council on Developmental Disabilities.

or clothing items, respite care, and some medical supplies. Due to waiting lists for programs such as Family Support, many families go without the equipment and supplies they need.

Stretched budgets. Some parents whose children receive SSI are using their child's SSI income to cover basic household expenses such as rent and food. As a result, parents may be unable to use their child's SSI income toward the supplies their children need.

BARRIERS TO WORK

I. Access to Child Care

Appropriateness of child care centers. Many child care centers are not equipped to handle the needs of children with emotional or behavioral challenges, or who have high medical needs.

Expense of child care. Child care centers that have the professional staff and resources needed to meet the needs of children with disabilities can be very expensive.

Scarcity of child care. Child care is hard to find for children who have a disability, especially for infants and toddlers. Demand for child care slots far exceeds availability.

Child Care for older children with disabilities. Children age 13 and older may continue to need supervision and assistance, and can't be left alone after school, on holidays, or during summer breaks. Child care for children age 13 and older is difficult to find and subsidized child care is generally not available.

II. Access to Flexible Work Options

Parents must tend to their child's health and educational needs, so jobs must be flexible enough to allow parents to take their children to medical and therapeutic appointments.

Early intervention participation. Parents need to be available to participate in early intervention programming. A primary component of early intervention programs is parent involvement and collaboration with therapists and other early intervention staff.

School participation. Parents must be available to their school-age child during school hours. Many parents report that they are often needed during school hours to fill in for their child's aide, or accompany their child on a school field trip. This request does not meet ADA requirements of the school.

School holidays and absences. Parents may have to stay home when school is out, when their child is sick, or when their child cannot attend school for other reasons. Teacher conference days, holidays, and summer breaks are times when parents may need to take care of their children. Lack of child care or school programming during these periods means that parents may have to stay home with their children.

Medical appointments and illness. Children who have special health care needs or with severe disabilities have necessary medical and therapy appointments, and get sick more frequently.

III. Access to Transportation. Some parents must rely on accessible public transportation.

Lack of transportation. Some parents must rely on public transportation or the help of friends and family to get to work, or transport their child to medical or therapy appointments. Early Intervention and Family Support providers have reported that lack of transportation is a barrier to parent employment in rural areas, as parents often have to travel outside of their communities to find jobs.

IV. Maintaining Health Insurance Coverage.

Children with disabilities often have significant and ongoing health care needs that require therapies, medications, equipment and other medically needed services. Parents with disabled children are concerned about accessing affordable, comprehensive medical coverage.

Included is a screening tool to help determine the appropriate participation requirement and/or the need for referral to a program specializing in children with special health care needs and a paper regarding needs of parents caring for a disabled child.

SCREENING TOOL TO DETERMINE FAMILY NEEDS OF CHILDREN
WITH DISABILITIES, DEVELOPMENTAL DELAYS AND/OR
CHRONIC HEALTH CARE CONDITIONS

Instructions and Referral Interpretation

Part A: General Background

To determine if a family has a child with disabilities, developmental delays, and/or chronic health care conditions that require special consideration for job placement, ask the questions in Part A of all parents screened. The questionnaire is structured so that responses may be gathered orally, or in writing.

If the answer is YES to question 1, but NO to 2, you may also need to make a referral to one of the programs listed. Call your local school district or 1-800-642-STEP for referral information about these programs in your community. Continue on with the rest of the screening questions if the parent's response to questions 1 and 2 justify the need for more information. Since question 1 may elicit positive responses that are not significant (e.g., mild learning disabilities or mild forms of juvenile diabetes or asthma), not all positive responses may require completion of the full screen.

Part B: Special Health Needs

Part B questions involve the type and frequency of special services and medical interventions. Questions are also included which explore the level of parental involvement in the medical care.

Part C: Daily Living Needs

At this point in the screen, if a parent has expressed significant health care and daily living needs, you should obtain additional information from contacts identified in Part A. This may require a signed release from the parent. The person may be able to provide more information about the care needed and the schedule requirements, so that an ideal work schedule and child care arrangements can be arranged.

Part D: Child Care Needs

These questions are designed to determine if there are barriers to obtaining child care. Barriers may take the form of special health needs, like required nursing care, or a vulnerable immune system, or they may be supervision needs beyond that normally provided in a child care facility.

Does Your Child Have Special Health Care Needs?

Part A: Background

1. Do you have any concerns about your child's health or development?

☐ NO
☐ YES

If yes, what are these concerns?

2. Does your child receive services from any of the programs listed below?

☐ NO
☐ YES

If yes, provide the contact name and phone number for each program. If the information is not available now, place an X on the line so that we can collect it later.

Program	Contact and Phone Number
Birth-to-Three	_____
Family Support	_____
Exceptional Education Needs	(Special Education-Public Schools) _____
Children with Special Health Care Needs	_____
Other	_____

(Place an asterisk (*) next to the name of the person who knows the most about your child's situation and needs)

Also, if yes, tell us why your child is seen by the program or agency.

If the answer is YES to either question 1 or 2, please continue to **Part B**.

If the answer is YES to question 1, but NO to 2, you should consider calling your local school district or 1-800-642-STEP for referral information about these programs in your community.

Part B: Health And Developmental Needs

1. How often does your child receive program services and/or medical treatment?

Program Services

- ☐ Daily
- ☐ 3 to 4 times per week
- ☐ 1 or 2 times per week
- ☐ 3 or 4 times per month
- ☐ 1 or 2 times per month
- ☐ less than 1 time per month

Medical Treatment

- ☐ Daily
- ☐ 3 to 4 times per week
- ☐ 1 or 2 times per week
- ☐ 3 or 4 times per month
- ☐ 1 or 2 times per month
- ☐ less than 1 time per month

2. How often does your child see a physician?

- ☐ every week
- ☐ every month
- ☐ more than once a year
- ☐ less than once a year

Name: Dr. _____

Type of physician or specialty:

When was your child last seen? Why?

3. Does your child receive therapeutic or educational services (Birth-to-Three program, public school or other) for health care needs such as :

- | | |
|---|---|
| <input type="checkbox"/> Physical Therapy | <input type="checkbox"/> Mental health issues |
| <input type="checkbox"/> Educational services | <input type="checkbox"/> Occupational Therapy |
| <input type="checkbox"/> Vision | <input type="checkbox"/> Speech Therapy |
| <input type="checkbox"/> Deaf and Hard of Hearing | <input type="checkbox"/> Other _____ |

What is your role in these services and follow up? How often are you involved in this role?

Part C: Daily Living Needs

1. Does your child have needs (other than what is expected for his/her age) for daily supervision/assistance, such as:

<input type="checkbox"/> Dressing	<input type="checkbox"/> Communicating
<input type="checkbox"/> Eating	<input type="checkbox"/> Behavior
<input type="checkbox"/> Mobility	<input type="checkbox"/> Forming Relationships/Friendships
<input type="checkbox"/> Breathing	<input type="checkbox"/> Toileting
<input type="checkbox"/> Sleeping	<input type="checkbox"/> Other _____

Comments:

2. Does your child have need for medical/health treatments, such as:

<input type="checkbox"/> G-tubes
<input type="checkbox"/> Suctioning
<input type="checkbox"/> Tracheotomy
<input type="checkbox"/> Medicines
<input type="checkbox"/> Other _____

Who administers to these needs above, and how often?

What is your role in caring for your child with these treatments and how often is this done?

3. Does your child require assistive devices for communication, such as:

<input type="checkbox"/> Computer
<input type="checkbox"/> Picture Cards
<input type="checkbox"/> Sign Language
<input type="checkbox"/> Hearing aides or other assistive listening devices
<input type="checkbox"/> Other talking devices

What is your role in using these devices and how often is this done?

4. Does your child require supervision/assistance with mobility, such as:

<input type="checkbox"/> Crutches
<input type="checkbox"/> Braces
<input type="checkbox"/> Wheelchair
<input type="checkbox"/> Special Transportation Monitor
<input type="checkbox"/> Other _____

What is your role in meeting your child's needs with these assistive devices and how often?

5. Is your child's care consistent from week to week or does it change frequently with circumstances (e.g., appointments, health status)?

Place an X above the number that most accurately describes your routine based on your child's special needs.

1	5	10
Regular and Stable		Totally Unpredictable

Part D: Child Care Needs

1. Does your child have any health or behavioral problems that you believe would not allow placement in child care?

2. Does your child require any special accommodations from a child care provider?

3. Is the child spending part of all or part of their day in special programming?

☐ NO
☐ YES

If yes, tell us the schedule.

4. Have you ever, or is your child now placed in group or family child care?

☐ NO
☐ YES

If no, tell us if you have ever had problems finding child care.

5. Do you foresee any problems coordinating child care and the other programs identified in question 3, or services described in Part B?

COGNITIVE BARRIERS

Description

Persons with cognitive barriers to employment may be difficult to identify. Many persons with limited cognitive capacity will not self identify and may be reluctant to admit to limitations, or unable to understand their barriers without additional professional help. It is important that the FEP understand the issues relevant to adults with cognitive barriers.

It is most beneficial to work with employers who understand the special needs and unique contributions of this program population. In general, when placing a person with cognitive limitations, it is especially important to make an accurate assessment of their abilities and appropriately communicate these skills to the employer. Very often persons with cognitive limitations are dismissed for being too slow, or not following through on instructions, due to irresponsibility or insubordination, when in reality it is due to their cognitive limitations.

Identification

It is important to remember that not all persons with cognitive limitations will be eligible for disability payments through Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI). Though some are eligible for SSI, and referrals are generally appropriate, not all will meet eligibility requirements. Persons with IQ scores less than 60 meet disability requirements on the basis of cognitive limitations alone. Persons with IQ scores between 60 and 70 are sometimes eligible. A brief screening tool is included in this section to help identify if a person might have a cognitive limitation.

Additionally, persons who have social workers associated with any of the following organizations may have some form of cognitive disability and their case worker should be consulted to determine the best activities and employment. Organizations and individuals include:

- a Developmental Disability coordinator who is part of the 51.42 (437) System;
- a vocational program from a disability agency;
- other community service organizations.

If a person is not working with an agency, but is having difficulty meeting W-2 requirements, consider the potential for a cognitive barrier if any of the following behaviors are exhibited:

- inconsistent follow-through on assigned activities;
- failure to complete multiple assigned tasks;
- inability to recall instructions; or

- frustration with program requirements.

Acknowledgments

Wisconsin Birth-to-Three Program

Wisconsin Council on Developmental Disabilities

Wisconsin Department of Public Instruction

* Adapted from a paper prepared by the Wisconsin Council on Developmental Disabilities.

W-2 Screen for Cognitive limitations

1. Do you have a legal guardian, protective payee, or some other person who makes decisions for you?
☐ NO
☐ YES
2. Are you, or have you ever been, in any special education classes?
☐ NO
☐ YES
3. Have you ever received SSI (Supplemental Security Income) or SSDI (Social Security Disability Income)?
☐ NO
☐ YES
4. Have you ever worked in a special program for people with disabilities or mental retardation?
☐ NO
☐ YES
5. Do you receive any help from an agency that helps people with disabilities or people who are slow learners?
☐ NO
☐ YES
6. Do you need help to fill out forms? If so, what kind of help do you need?
☐ NO
☐ YES
7. Do you have trouble getting yourself or your family to appointments, school, etc.? Please explain.
☐ NO
☐ YES
8. Does someone else take care of your money or pay your bills for you?
☐ NO
☐ YES
9. What are your children's birthdays?
10. How old will your oldest child be in three years?
11. What is the month BEFORE your birthday?

Interpretation

If the adult answers yes to any of questions 1-8, without a good reason or explanation that would indicate problems other than cognitive limitations, or is unable to answer questions 9-11, they should be referred to DVR or a similar assessing agency for a professional vocational assessment.

DOMESTIC VIOLENCE

Description

Domestic violence can occur among couples of every age, sexual orientation, and socio-economic class, and can outlast the marriage or dating relationship. The ability to recognize a domestic violence victim will help someone stay on the path to self-sufficiency and get the help that is needed.

Physical violence is the most obvious and serious manifestation of domestic abuse. However, domestic violence by definition is behavior perpetrated by one intimate partner that creates an environment of terror for the other. It includes, but is not limited to physical, sexual, emotional, psychological and economic abuse directed at the partner, as well as threats and destructiveness directed at the partner's loved ones (including children) or valued possessions. It is important to note that many people can be in relationships where there is no actual physical abuse, but other forms of abuse, and even lack of support, can sabotage the ability to maintain employment. Abusive partners generally view any efforts at improvement, independence, or greater access to social supports as a threat. This may lead to behaviors and actions that undermine any achievement.

Identification

Based on the prevalence of domestic violence among individuals receiving W-2, the W-2 agency should maintain a close working relationship with shelters and other counseling entities that will accept referrals. Information about how to get help should be available and a person who admits to being a victim should be referred immediately. You should consider domestic violence a possibility if the individual exhibits any of the following signs or behaviors:

Workplace or Work History Indicators

- Has frequent injuries, bruises, or reported illness;
- Wears unseasonable clothing (to conceal injuries);
- Is late or absent from work frequently (waiting for injuries to heal);
- Appears overly tired at work;
- Receives many upsetting personal phone calls, faxes or visits at work;
- Has a limited attention span;
- Shows a marked decrease in job performance;
- Seeks extra work to avoid going home;
- Inconsistent work history or none at all;
- Requests days off for court appearances;
- Is excessively absent for medical attention or has high use of medical insurance;

- Avoids forming relationships with coworkers of the opposite sex;

Participant Contact Indicators

- Has frequent injuries, bruises, or reported illness, especially at various stages of healing;
- Is anxious, nervous, unusually quiet or jumpy;
- Exhibits low self-esteem or low level of confidence;
- Is concerned about an ex-partner knowing his/her address;
- Might ask questions about who has access to his/her address or case information;
- Is reluctant to have their partner attend meetings;
- Becomes concerned about waiting partner if appointment is too long;
- Is concerned about leaving the children with their partner;
- Is silent when partner is present and partner does all the talking;
- Has few personal resources;
- Remains in the middle of divorce proceedings that never seem to end (possible with contested custody or property battle);
- Has periodic temporary addresses and phone numbers;
- Oldest child acts like an adult and takes care of parent;
- Current or ex-partner calls to make accusations of participant.

What Case Managers Can Do:

- Understand that only the perpetrator can stop the violence.
- Understand that leaving the abusive relationship can escalate rather than end the violence.
- Know your community resources and share them with the participant. (Contact local domestic abuse agencies for support and information.)
- Place resource information in areas where it can be accessed confidentially.
- Be a voice of non-judgmental support. (If you suspect that a customer is being harmed by a partner or family member, inform the participant that you are concerned and that no one deserves to be abused.)
- Respect confidentiality (Disclosing the information to anyone without explicit permission by the victim could increase the danger.)
- Include domestic violence services, stabilizing housing and resolving legal issues in the participant's employability plan, when appropriate.
- Help identify employers who are best able to provide for the safety needs of the victims and their children (for example, provide secured facilities or flexible hours.)

Resources and Referrals

The W-2 agency should maintain a list of local referrals. However, if more information is needed, the following agencies are good sources of information about domestic violence:

Department of Health and Family Services
(608) 266-9035

Wisconsin Coalition Against Domestic Violence
(608) 255-0539

National Workplace Resource Center on Domestic Violence
(415) 252-8900

Acknowledgments

Wisconsin Coalition Against Domestic Violence

LANGUAGE AND CULTURE

Description

Language barriers may hinder some participants' ability to understand their rights and responsibilities, participate in program activities, work and maintain employment, and take full advantage of the available services. Some participants may be illiterate or read at a very low level. Some may not be able to speak English at all, especially those who came as refugees. While many refugees are able to carry a simple conversation in English, they do not necessarily comprehend what is said. Having materials translated into their language may not always help, since some participants may not read or write in their native language.

In addition to language, cultural differences can hinder the effectiveness of intervention. In some Southeast Asian cultures, for instance, the role for the men and women in supporting the family is well defined. Thus, it is important when working with the families to be considerate of these roles.

Indicators of Language Barrier:

- Unable to speak or read English (oral and written fluency may vary substantially, since many who learned English in school may be able to read well but speak/understand little, while those with limited native literacy may learn to speak well but never learn to read or write);
- May be unresponsive or give inappropriate responses;
- May agree to everything which is said. Participants may indicate they understand when they don't, in order to avoid embarrassment for both them and the speaker.

There are a wide variety of assessment tools to identify an individual's language fluency. The appropriate tool should be selected in relationship to the participant's overall level of education and specific job needs. Consult with the English as a Second Language (ESL) Department of the local vocational/technical college regarding appropriate instruments.

Language problems can be easily identified. The cultural problems may be more difficult to identify because they are unique to each culture and to the families' degree of acculturation or assimilation.

Indicators of Possible Cultural Barriers:

- Adheres to traditional norms (e.g., wife deferring to the husband, wife seeking approval from husband before talking out, etc.);
- Appears uncomfortable talking to person of opposite sex;

- Avoids eye contact.

Providing Culturally Competent Services

Cultural competency starts with the realization that each of us has perceptions of reality, values and goals which are conditioned by our cultural experiences. It includes a willingness to listen openly to other's verbal and non-verbal communications and recognize that what is perceived as a problem and appropriate solutions may vary for families of a different language and cultural experience. Ideally, you will have the opportunity to read about some of the unique aspects of the history and culture of the customers with whom you work. The library, local Mutual Assistance Association, Spanish Centers, Office of Refugee Services, Urban League, NAACP, Great Lakes Intertribal Council, tribal agencies; the Center for Applied Linguistics, and the Web are all excellent sources of materials on the cultures of recent immigrants. Local agencies may be able to offer a local staff training.

Culturally competent service delivery also includes having a plan for access to services in the native language, which includes both written materials and access to bilingual staff. Each agency should develop a list of staff with language skills and a directory of trained interpreters in those languages not covered by staff. AT&T has a language service which can be contracted with to provide translation services for those languages for which no local interpreters are available.

Bilingual staff and trained interpreters provide more than translation services. They provide cultural bridges for customers and agency staff, helping each understand the program goals, participant goals, cultural factors and family dynamics, in order to develop an effective self-sufficiency plan. When working with an interpreter it is essential that the English speaking worker and the interpreter develop communication and trust. The worker and interpreter should discuss when literal translation is required/provided, as well as when interpretation of non-verbal communication and cultural context will improve understanding. Ensure that the interpreter understands and will respect confidentiality requirements. When using an interpreter, continue to address the customer, in order to maintain rapport. Because the information developed in most interviews and planning sessions is confidential, it is not appropriate to use children as the go-between.

Cultural generalizations are difficult because each culture is unique and each individual within a culture is likely to have some but not all of the characteristics "typical" of that culture. However, the following are some points to consider:

- The United States is one of the most individualistic cultures in the world. You will want to work with and consider all of the adult members of the household. Many households will practice a consensus decision-making which may take longer than the initial interview.

- Gender roles may be clearly defined. In many patriarchal cultures it will be necessary to work with both the husband and wife, and the wife will defer to the wishes of the husband. This does not usually mean that the wife will not work outside the home. It does mean that they will have to both understand the economics of two-parent households, plan for supervision of children, develop work skills and community coping skills (e.g., riding the bus), and identify a job which is “suitable” in the culture and appropriate to the skills of the individual.
- Cultures vary substantially with regard to how much “touching” is allowed, especially across gender. Take your cue from the customer before offering to shake hands, pat on the shoulder, etc.
- Americans are often more concerned about time than many other cultures. You may encounter a lack of punctuality;
- Families are often reluctant to leave their children with day care providers who do not share a cultural and linguistic background. Intact families may juggle shifts to avoid child care, extended family members may provide care, Head Start and day care centers may develop bilingual capacity, or agencies may develop licensed/certified care within the immigrant community.
- Many cultures have dietary laws, dress, or holy days, which may affect appropriate job placements. For instance, Muslims and Jews may refuse employment in restaurants or packing plants where they handle pork; Sabbath, funeral and holiday observances may also affect work schedules.

You will need to become a cultural broker in order to serve both the customer and the employer. Coach the customer regarding American expectations regarding such things as looking directly into one’s eyes, “selling” oneself, asking questions, punctuality, calling in when sick or late, etc. Give the employer assistance and resources for posting safety signs in the native language, providing a mentor, training supervisors and staff in cross-cultural sensitivity, and resolving problems after placement.

Refugee Trauma and Immigrant Acculturation

Many of the immigrants seeking services are refugees who have fled their country of origin as a result of a well-founded fear of persecution. Their experiences will typically have included severe trauma resulting from civil war, rape, torture, flight and malnutrition, incarceration or prolonged detention in a camp. This experience has often left them with physical and mental health problems. These may include chronic pain from injuries or torture, as well as depression and post-traumatic stress syndrome. Since most of the sufferers of this trauma are reluctant to talk about it, mental health problems will often be masked by somaticized illnesses such as stomach and head aches and back pain. (A recent assessment of Hmong women revealed that 40%

suffered from clinical depression.) Once physical sources of chronic pain have been ruled out, a mental health evaluation may be appropriate. Concepts of mental health, mental illness and treatment also vary substantially, so W-2 agencies may need to search out a mental health program capable of providing a culturally competent assessment and treatment in this language. The Office of Refugee Services is currently funding several local communities who are developing such services for Hmong participants.

Immigrant and refugee families typically go through the acculturation process at differing rates of speed. This creates great stresses within the families, as young people are eager to adopt new ways but do not “fit” anywhere and parents are fearful of losing control. Changes in gender roles strain established relationships. These stresses may increase the potential for family violence. Parenting programs should provide tools for setting limits for children. Parents need to be informed about American laws and alternatives to physical punishment. Women should have safe and confidential ways to report abuse. Both because of cultural reasons and because immigration laws subject abusers to deportation, immigrants are even less likely to report abuse than other participants.

Providing English as a Second Language

Most local vocational/technical schools offer English as a Second Language (ESL) instruction as a part of their Adult Basic Education program. Work with the schools to ensure that these programs are available outside of work hours and are vocationally oriented. There are a variety of excellent curricula for teaching Vocational English as a Second Language (VESL), which usually includes vocabulary and concepts related to the world of work, including job hunting, workplace safety, job retention skills, etc.

Many refugees and immigrants have excellent professional, technical or entrepreneurial skills which would earn high levels of pay, but they are unable to currently use them due to language barriers. Intensive ESL (frequently offered for foreign students at Universities), combined with work or work experience in a related field, may be a cost-effective means of helping them achieve self-sufficiency.

Programs can also be customized to particular industries. Several customized skill training programs have been operated which train participants in the vocabulary, math skills, and job skills related to such fields as machine tool operator, welder, printing, wood products, sewing and Certified Nursing Assistant.

In the current labor market, many limited-English participants are able to obtain initial employment. However, continued instruction in English is essential to maintaining that job and obtaining advancement. For this reason, it is important to encourage concurrent work and ESL instruction by developing classes in non-work hours, or by developing ESL at the work site. Many employers who hire large numbers of immigrants are now considering providing language training at the job site. Contracting

for such services may open the door for placements of substantial numbers of limited English participants.

Programs and Program Models

Many community based organizations have substantial experience providing employment and supportive services to limited English participants. Some W-2 agencies have contracted directly with such agencies for services, while others have developed referral arrangements. W-2 agencies are encouraged to develop partnerships with the refugee employment and training provider in your community and to refer participants for bilingual employment services from these agencies.

Some of the strategies which these agencies use include:

- Using professional, bilingual job developers. Whenever possible, bilingual staff should conduct the initial interview, employability assessment and plan development, and job development. Few limited English participants are able to do up front job search, but assisted job search with a bilingual job developer can lead to direct placement;
- Including indigenous leaders in the planning and delivery of services in order to enhance quality and community support;
- Providing assistance to employers in preparing the job site and supervisors and coworkers;
- Providing bilingual follow-along support to customers and employers for extended periods (up to 18 months following placement) in order to resolve problems and retain jobs. Refugee bilingual workers follow-up with employers, in some cases as early as the second day after placement, and after the first week to see if any problems developed which might lead to breakdown of the job placement;
- Providing intensive, customized skill training (usually taught in English with a bilingual instructor);
- Providing ESL at the job site. Some W-2 agencies are providing ESL on the job site for refugee W-2 participants and, in certain cases, requiring that ESL must be a part of the 10 hours per week of allowable training activities under a CSJ.
- Providing extensive social service supports to help families resolve problems when parents' time is devoted to work. Because of a basic unfamiliarity with American systems and services, immigrants and refugees often need additional help with "survival skills" such as help with housing, learning to ride the bus, driver licensure, etc. Support staff work extensively with the family and community resources to identify appropriate child care arrangements;

- Placing limited English participants on a job site where another immigrant already works who is bilingual;
- Training experienced bilingual workers as supervisors. This provides for promotions and allows for placement of substantial numbers of non-English-speaking participants. Marathon County Department of Employment and Training provides a supervisor training program, free to employers who are interested in upgrading refugees to supervisors;
- Providing job-upgrade services;
- Providing Community Services Employment. Refugee employment service providers in most refugee communities have grant funding which allows them to pay an employer a full wage subsidy for up to a year, if the employer will agree to hire the refugee after placement.

In addition, we have identified several best practice programs which may be useful in your community.

BEST PRACTICES

Employment and Training

Agency: Wausau Area Hmong Mutual Association, Inc.(WAHMA)

Name of activity: Bilingual Supervisory Training

Costs/funding source(s): The cost is \$1,600.00. The project is paid for by the Marathon County Department of Employment and Training.

Duration: The training period is 8 weeks for a total of 32 hours. Classes are held twice a week for 2 hours each.

Building partnership with other agencies and employers: WAHMA's skills training coordinator and Marathon County Department of Employment and Training's employment counselor work very closely with the instructor and the students. Both the skills training coordinator and the employment counselor take turns being in the classroom to help interpret (if needed) and to make sure that students understand the materials and the concepts.

Building partnerships with community agencies and employers is an important and critical part of this project. The Wausau Area Hmong Mutual Association (WAHMA), Marathon County Department of Employment and Training (MCDET) and Northcentral Technical College (NTC) are the three main organizations sponsoring this project. WAHMA and MCDET provide the funding and the support services for the class, and work with employers to recruit participants. NTC provides the classroom training to the students. We believe this project is a community collaborative and partnership effort. It includes the WAHMA, a non-profit entity, the county, the technical college and the employer community.

Placement as a result of training: All of the participants in the bilingual supervisory training program are currently working full time. However, they need the skills necessary to move to the next step of becoming lead workers or supervisors. We believe that there are several great benefits to having bilingual employees trained in supervisory skills. First, potential bilingual employees can be promoted to supervisory positions. Second, English fluency is removed as an issue for an employer by having a bilingual supervisor who can communicate to the limited English speaking employees. Third, it creates a win-win situation for the employers, employees and the community as a whole.

Other comments: This is our first bilingual supervisory training offered through local employers and interested individuals. We hope to continue the training by offering it to other employers who have not participated or those that would like to send more employees to participate.

Agency: Outagamie County Department of Health & Human Services

Name of activity: Refugee Employment and Training Program

Funding source: W-2 is the funding source

Supportive services provided during training: The W-2 agency provides funding assistance, as well as assists in making all of the necessary arrangements for child care and transportation needs. Medicaid, Food Stamps, and/or a W-2 payment may also be available if all eligibility requirements are met.

Building partnerships with other agencies and employers: Outagamie County Department of Health and Human Services has a contract with Valley Packaging Industries, Inc. (VPI) to provide education and training to Hmong W-2 participants.

The training component is available in three different tracks:

1. Fast Track to Jack's Pizza or Anchor Foods - Training is specific to these two employers; employment is offered to persons who successfully complete the program. Program length is generally 12 weeks in length but can vary from person to person depending upon demonstrated competencies. Persons referred to Jack's Pizza or to Anchor Foods will enter the system as temporary workers and will be added as regular employees with full benefits after completion of a probationary period. Transition services will be provided to persons successfully completing the program by the case manager. Both Jack's Pizza and Anchor Foods will provide mentors to persons referred from this program. The only fee that is required for persons entering this track is \$300 for the educational component of the program.
2. Outside Employment Track - Those referred to this track are referred primarily for education and work experience at Valley Packaging and it is understood that the job placement and job development in the community is the responsibility of the W-2 case manager and/or job placement specialist. Valley Packaging will provide work experience, feedback regarding productivity, progress in educational components, and coordination with outside case management/job development staff. The only fee that is required for a person entering this track is \$300 for the educational component of the program.
3. Work Adjustment Track - This track applies to persons who are not employment ready and who need a period of extended training and/or experience to develop their skills to the level that they can be employed either in the community or within VPI. Valley Packaging develops a work adjustment plan for persons who require the more intensive work adjustment services which are available in this track. The cost for this program is \$150 per week. The W-2 agency determines the length of the program based upon progress. Persons who have a documented disability are referred to DVR for coordination of services.

Attached to all three of these tracks in an educational component on-site at VPI. The instruction is provided by an instructor from Fox Valley Technical College. Classroom instruction is currently offered a minimum of two hours a day, two days a week.

Some topics include:

- Understanding the American work place
- Application process
- Literacy: Introduction-conversation
- Goal setting and motivational
- Job search and job search strategies
- Work place safety
- Paychecks and benefits
- Work place record keeping
- Work place math-job related
- Community resources and tours
- Bus training

Agency: Esperanza Unida, Milwaukee

Name of Activity: Training Business

Funding Sources: W-2; JTPA; employer fees

Building Partnerships: The local PIC and W-2 agencies place trainees at this community based organization in a training slot or in a Community Services Job. Training is available in a variety of business areas, including printing, auto mechanics and child care. Trainees receive training and supervision in production skills and related math and English skills. Training is provided in English but instructors are usually bilingual. Production output may be sold to local employers. Local employers enter into placement agreements to hire graduates.

Similar programs involving either specialized skill training or training businesses have been operated by Lao Family Community; Sheboygan Hmong Mutual Assistance Association; Wausau Area Hmong Mutual Association; the Eau Claire Mutual Assistance Association, and others. Training areas have included welding, machine tool operator, certified nursing assistant, construction, day care, wood products, etc.

Miscellaneous Best Practices:

Housing Assistance is one of the fundamental services which is needed to assure a family has the stability necessary to retain a job. The Manitowoc Housing Project, operated by the Hmong Mutual Assistance Association, uses homeownership assistance as part of the motivational package as it helps refugees obtain the good job needed to sustain homeownership. The Project has assisted 80 families to get their own home through rehabilitation assistance (used as skill training) and loan assistance. *[Successful placement of refugees in jobs often requires the case manager to be sensitive to the next level of need, in this case, housing needs.]*

The local CAP agency has helped to develop the "Manitowoc County Resources for Refugees" to help refugees understand their community resources more effectively.

Milwaukee Jewish Federation and Jewish Family Services provide a "Career Services" workshop which consists of 4-5 sessions on career understanding to help orient and educate refugees to jobs in the U.S.

For a complete listing of these MAA/organizations, contact the State Refugee Office at (608) 266-8354.

MENTAL HEALTH

Description

Mental health problems involve symptoms and behaviors caused by untreated or uncontrolled mental health conditions where such behaviors impact a person's ability to fulfill their responsibilities to their family, or their employer. Additionally, mental health problems may also impact children of W-2 participants. Some children may have symptoms and behaviors caused by untreated or uncontrolled mental health conditions, or ongoing support to control a condition, where such behaviors require parental intervention and assistance. Participants may be aware of mental health barriers, claim to have some problems, or demonstrate signs or symptoms of mental health problems in their previous work history or life experience. If a participant demonstrates through any actions or behaviors that a mental health condition may interfere with their ability to work, referral to a mental health professional should be completed. Individuals with severe mental health issues should be referred to the Social Security Administration for determination for SSDI or SSI eligibility. (See Ch. 18.9.0 for more information on W-2 State-Only Payments.)

Identification

Self Identification

As discussed above, some participants may self identify.

Other Indicators

When a FEP suspects a mental health problem, the screening tool provided at the end of the section may be used. The short questionnaire could be administered orally, or could simply be presented to the participant for their own private consideration. The FEP should consider administering the screen if some combination of the following symptoms or behaviors leads to a problem, or potential problem with performance in W-2:

- lack of energy, reports of fatigue, or general poor health;
- previous record of behavioral problems on the job, or in daily interpersonal relationships;
- depression, aggressive or violent tendencies, or misplaced anger;
- lack of participation, without a readily verifiable reason;
- loss of contact with the agency;
- inability to follow through on job contacts or other appointments;
- sudden or wide mood swings or displays of emotion, energy, or enthusiasm, or
- social isolation.

An additional screen is provided to help identify women with postpartum depression and parents with children who have mental health issues.

Program Requirements

Persons with severe mental health problems that interfere with activities of daily living should be referred for a professional assessment. If the condition warrants and signs of abuse or neglect are present, the FEP and the mental health case manager should make a referral to child welfare.

One of the major challenges for placing persons with mental health issues is the often erratic nature of their employment. For many people, there are no problems with employment until there is a serious episode which might render them unable to work for an extended period of time (for example, periods of three months are not uncommon), after which they can return to regular employment until they experience another episode. Making placements and helping employers to understand these needs will improve the ability of these persons to succeed in W-2 and in regular unsubsidized employment.

Resources and Referrals

For more information on mental health problems, contact a local mental health professional, or:

Department of Health and Family Services
Bureau of Community Mental Health Services
(608) 267-7792

Acknowledgments

Wisconsin Department of Health and Family Services
Bureau of Community Mental Health Services

Wisconsin Council on Developmental Disabilities

W-2 Adult Mental Health Screen*

1. Have you been hospitalized for psychiatric reasons in the last 2 years?
☐ NO
☐ YES
2. Do you have trouble holding a job or performing daily activities because of :
depression ☐ NO ☐ YES
nervousness ☐ NO ☐ YES
confusion ☐ NO ☐ YES
anger ☐ NO ☐ YES
other mental health problems ☐ NO ☐ YES
3. Are you taking medications for mental health problems?
☐ NO
☐ YES
4. If you are not taking medication, has a physician said you should be on medication for a mental health problem?
☐ NO
☐ YES
5. Do you feel helpless much of the time?
☐ NO
☐ YES
6. Do you often think of killing yourself or being dead?
☐ NO
☐ YES
7. Have you seen a doctor more than 10 times in the last year for a health problem?
☐ NO
☐ YES

* Screen developed by Wisconsin Department of Health and Family Services, Bureau of Mental Health Services.

Interpretation

An affirmative response to any of the above questions is an indication of a potential mental health problem. The adult should be referred to a mental health professional for further assessment.

POSTPARTUM DEPRESSION

Description

Postpartum depression is a temporary illness that can be devastating to a woman, her infant and her family if not treated. It affects about 10% of all women who have given birth and can appear any time in the first 12 months after delivery. Postpartum depression occurs across all ethnic, economic and educational groups, and can happen to women who usually have seen themselves as “strong and in control of their lives.” Postpartum depression is an obstacle to the mother for developing a secure emotional bond with her infant and for her confidence in her mothering skills. Most pregnant women are not educated about the possibility of postpartum psychiatric illness and health care providers may not recognize these disorders. Postpartum depression is not the same as “the baby blues”, a mild and brief experience of tearfulness and fatigue frequently experienced in the first 2 weeks after delivery.

Although any woman can experience postpartum depression, a woman is at greater risk if she has: 1) a previous episode of depression at any time, including after an earlier pregnancy or during this recent pregnancy; 2) a previous pregnancy loss such as a miscarriage or stillbirth; or 3) a family history of depression, anxiety or mental illness.

Identification

Self Identification

Some women may identify themselves as feeling depressed and having some of the common symptoms of depression.

Other Indicators

If the FEP suspects that a woman may be experiencing postpartum depression , the screening tool provided at the end of this section should be used. This screening tool could be administered verbally, or could be given to the woman for her own private consideration. The FEP should consider using the screening tool if some combination of the following symptoms or behaviors leads to a problem, or potential problem with performance in W-2:

- Lack of energy, report of fatigue;
- Inability to follow through on job contacts or appointments, especially if she says it is because she “can’t find the energy” or “can’t seem to keep her mind on what needs to be done.”
- The woman makes statements about feeling helpless or hopeless, or that something just doesn’t feel right, or that she is thinking of hurting herself or her baby.

Program Requirements

A woman with postpartum depression symptoms that interfere with her ability to care for herself, her infant or her family should be referred for professional assessment. Postpartum depression can be successfully treated with therapy, medication and support.

Although it is rare, a woman can experience an even more serious illness known as postpartum psychosis. Symptoms can include bizarre feelings or behavior, hallucinations and thoughts about killing herself or her baby. This should be considered an emergency, and the woman must be helped to get treatment immediately.

Resources and Referrals

For more information on postpartum depression, contact a local mental health care professional, the local public health department , or:

Wisconsin Maternal and Child Health (MCH) Hotline
(800) 722-2295

A screening tool is provided at the end of this section.

Acknowledgments

Wisconsin Department of Health and Family Services
Bureau of Family and Community Mental Health
Wisconsin Maternal and Child Health Education and Training Institute

Wisconsin Association for Perinatal Care

W-2 POSTPARTUM DEPRESSION SCREEN

1. Do you feel very tired but unable to sleep even when you have the chance?
☐ NO
☐ YES
2. Do you feel helpless or hopeless much of the time?
☐ NO
☐ YES
3. Have you had repeated thoughts about harming yourself or your baby?
☐ NO
☐ YES
4. Have you felt like you did not have the energy to take care of your baby?
☐ NO
☐ YES
5. Have you been unable to do things because you "couldn't keep your mind on them?"
☐ NO
☐ YES
6. Have you felt sad, even though you think you should be happy with a new baby?
☐ NO
☐ YES
7. Does it seem like you don't enjoy things you usually like?
☐ NO
☐ YES
8. Have you had a big change in your appetite?
☐ NO
☐ YES
9. Did you feel that you could not get rid of your sadness even with the help of your friends or family?
☐ NO
☐ YES

Interpretation

An affirmative response to any of the above questions is an indication of a potential problem with postpartum depression. The woman should be referred to a mental health professional for further assessment.

CHILDREN WITH MENTAL HEALTH CONCERNS

When parents in W-2 have children with mental health concerns, it is appropriate for the parent's W-2 placement to consider their child's needs for therapy, doctor visits, or any other special needs related to treating any conditions (physical, emotional, or cognitive). Helping a parent communicate these needs to an employer and encouraging employers to be flexible will help many parents succeed in W-2.

W-2 Child Mental Health Screen*

1. Has your child been diagnosed as having a serious mental illness?
☐ NO
☐ YES, Please explain

2. Can your child attend day care or school, or stay with a caretaker without being sent home?
☐ NO
☐ YES, Please explain

3. Does your child need more adult supervision than other children the same age?
☐ NO
☐ YES, Please explain

4. Has your child made an attempt to injure him or herself?
☐ NO
☐ YES, Please explain

5. Has your child made any statements about harming him or herself?
☐ NO
☐ YES, Please explain

6. Has your child injured others or threatened to injure anyone more than other normal children's fights?
☐ NO
☐ YES

* Screen developed by Wisconsin Department of Health and Family Services, Bureau of Mental Health Services.

Interpretation

An affirmative response, without a reasonable explanation, to any of the above questions is an indication of a potential mental health problem. The child should be referred to a mental health professional for further assessment.

PHYSICAL BARRIERS

Description

Persons with physical barriers may have 1) physical disabilities, 2) medical conditions that result in physical limitations, or 3) sensory disabilities. In general, persons with severe disabilities that claim to be, or seem to be, unable to work in any capacity should be referred to the Social Security Administration to explore eligibility for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI). It is important that assigned activities are appropriate and based on the limits of individual's capabilities. (See Ch. 18.9.0 for more information of W-2 State-Only Payments.)

Identification

In general, most persons will identify their physical limitations. In almost all cases, their self-report needs to be corroborated by an assessment performed by the Division of Vocational Rehabilitation, a medical professional, including a physician, psychologist, psychiatrist, alcohol or other drug abuse counselor, or similar assessing agency that specializes in disabilities. It is important that the FEP understand precisely the limitations of the individuals. Following are some indicators of possible physical disabilities:

Hearing Impairment

Workplace or Work History Indicators

- Daydreams frequently
- Loner personality makes forming permanent relationships difficult;
- Has difficulty in getting a job;
- Fears new and different situations (especially strange groups of people);
- Refuses to get help -- denies hearing loss;
- Has few interests outside of family and job.
- Quits job or dislikes job once enjoyed.

Participant Contact Indicators

- Has few close friends;
- Depends on partner;
- talks too loudly;
- Has difficulty concentrating when background noise is present;
- Is unable to hear conversation, but does not know it, consequently:

- * Responds incorrectly to comments or questions;
- * Appears to be in a fog;
- * Appears to be senile or forgetful;
- * Continues to deny hearing loss;
- * Wants to be left alone;
- * Acts disinterested in social events;
- * Relies heavily on spouse or close friends;
- * Appears to ignore others.

Vision Impairment

Workplace or Work History Indicators

- Avoids jobs that are dependent on heavy reading or intricate detail work;
- Quits job or dislikes job once enjoyed;
- Squints to see objects or writing.

Participant Contact Indicators

- Holds printed material to arm's length;
- Has lost driver's license;
- Relies heavily on spouse or close friends.

Back and Muscle Disorders

Workplace or Work History Indicators:

- If previous work was manual labor, may feel unqualified for other work;
- Suddenly loses job once enjoyed;
- Exhibits feelings of anger or helplessness focused on former employer.

Participant Contact Indicators:

- Stiff body carriage;
- Looks uncomfortable sitting. May rock in chair or sit very upright;
- Avoids bending over;
- Uses arm strength to lower body into chair;
- Takes muscle relaxers.

Resources and Referrals

The Client Assistance Program

The Client Assistance Program (CAP) is federally funded to assist individuals with disabilities who have questions about or problems in working with federally funded rehabilitation programs. In Wisconsin, this includes the Division of Vocational Rehabilitation (DVR) and Independent Living Centers. CAP can provide information by phone, mail, or by giving presentations to groups who wish to understand how to work with the rehabilitation system. CAP assists individuals by attempting to resolve their complaints at the local level. When necessary and appropriate, CAP will assist in an appeal over a denial of services. For more information call (800) 362-1290.

Other Sources

For more information about physical limitations, contact:

Department of Workforce Development
Division of Vocational Rehabilitation
(608) 266-1281
Internet: <http://www.dwd.state.wi.us.dvr>

Social Security Administration
(800) 772-1213
Internet: <http://www.ssa.gov>

Department of Health and Family Services
Office for the Blind
(608) 243-5656
Office for the Deaf and Hard of Hearing
(608) 243-5626

For information on job accommodations, contact:

Job Accommodation Network
(800) JAN-7234

For information on the American with Disabilities Act, call:

(800) ADA-WORK

Acknowledgments

Wisconsin Council on Developmental Disabilities

Wisconsin Department of Workforce Development
Division of Vocational Rehabilitation

Wisconsin Department of Health and Family Services
Client Assistance Program

PREGNANCY PREVENTION & ADULT FAMILY PLANNING

Description

It is important not only to teach abstinence and contraception but also to help young people rise above the problems that surround them to see the future so they can make intelligent decisions. This type of approach is considered a comprehensive life-options approach. The strategy begins by teaching abstinence--a message teenagers need to hear more often--and includes contraceptive information for teenagers who are already sexually active. However, other factors, such as alcoholism in the home, failure at school, and child abuse, cannot be ignored as they tend to prevent teenagers from seeing their own potential.

Factors that have been linked to teen pregnancy for an early predisposition to teen sexual activity include, but are not limited to:

Physical or sexual abuse: A history of physical and sexual abuse tends to lower the age of the first intercourse and doubles the chances that an adolescent will be sexually active.

Single parent family: Unmarried daughters of single parents are three times more likely to give birth than counterparts living in two-parent houses. Divorce, the absence of a father, and the presence of a stepfather or maternal boyfriend are likely to affect early sexual activity in girls.

Permissive parent values regarding teen sexual behavior: Male and female adolescents whose parents are least strict and who believe their mother had sex before marriage are likely to have higher levels of sexual activity.

Use of alcohol and other drugs: Drug use increases the risk that a teen will have sex before the age of 16. Teen boys who use alcohol and cigarettes are 39% and girls are 80% more likely to engage in early sex.

A history of involvement in illegal behaviors: Sexually active 15 to 17 year-olds are more likely to be involved in behaviors like theft, vandalism, violence and drug use, are more likely to be expelled or suspended from school, and are more likely to have a group of friends with more sexually permissive beliefs and behaviors.

Early puberty: Adolescents who physically mature earlier than their peers report two to three times the level of sexual activity.

A mother or female sibling that is or was a teen parent: For a girl, having a sister or mother that is or was a teen parent, increases the likelihood that she will become a teen parent herself.

Poor or no parental monitoring: Adolescents who are not closely monitored are at greater risk for early sexual activity.

Feeling differently than others or not belonging: Adolescence can be a period of insecurity and low self-esteem. If a teen feels different, based on culture, appearance or other real or perceived reasons, s/he may become involved in risky behaviors to fit in.

In order to reduce unwed pregnancies, and especially births to minor parents, FEPs will need to look outside the agency and its own resources and take an active role in leveraging resources and responsibility in the community. Given the risks and costs, every member of the community has a stake in seeing that every parent is ready and able to provide for their children. The potential of your organizations could be greatly enhanced with the involvement of “adult” community organizations. These organizations include the business and employer community, health care community, faith based community and schools. These communities need to work together to ensure that all teenagers do well, stay in school, are safe, feel they have a value in their community, and have plans for the future. To address the problems of teen pregnancy the following principles would be followed:

- Begin prevention efforts early;
- Address the risk factors;
- Promote responsibility;
- Encourage and support community -wide approaches to prevention;
- Increase access to opportunities and services; and
- Engage the media.

Resource and Referrals

Adolescent Pregnancy Prevention and Services Board
(608) 267-2080

Planned Parenthood of Wisconsin

APPENDICES

Appendix A	Department of Workforce Development Division of Vocational Rehabilitation
Appendix B	Social Security Administration Programs
Appendix C	Applicable Federal and State Laws and Regulations
Appendix D	Facts About the Americans With Disabilities Act
Appendix E	Americans With Disabilities Employment Information

**APPENDIX A: DEPARTMENT OF WORKFORCE DEVELOPMENT
DIVISION OF VOCATIONAL REHABILITATION**

Purpose

The purpose of the Title I of the Rehabilitation Act of 1973, as amended, is to provide "comprehensive, coordinated, effective, efficient, and accountable programs of vocational rehabilitation (VR) designed to assess, plan, develop, and provide vocational rehabilitation services for individuals with disabilities, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice, so that such individuals may prepare for and engage in gainful employment." [P.L. 105-220 s. 100 (a)(2)]

DVR staff must comply with the provisions of all agreements and contracts between DVR and other agencies, organizations, community rehabilitation programs, and other providers. Required documentation includes the following:

- Information supporting the decision regarding eligibility;
- Order of selection and significance of disability;
- Justification for provision of services, including job placement, in a non-integrated setting;
- Information supporting the development of the long term vocational goal, services and measures;
- Plan for employment and amendments;
- Periodic reviews and evaluations of the plan for employment;
- Information supporting the provision of supported employment services;
- Any request for an appeal and decision or action resulting from that request;
- Information supporting the decision to close a consumer's case record, including verification of competitive employment if obtained;
- Information to support the decisions and actions of the DVR in providing, denying, or altering services as necessary to comply with case management needs.

Community Resources

DVR shall make maximum use of public or other vocational or technical training programs and other community resources, including community rehabilitation programs, in the provision of VR services.

All personal information shall be kept confidential. Information shall be released only with the informed, written consent of the consumer or, if appropriate, the consumer's representative. Exceptions include the following:

- Needed for the administration of the VR program;

- As needed to protect the consumer from physical harm to self or others;
- In response to law enforcement, fraud or abuse investigations;
- In response to a judicial order;
- When required by federal statute or regulation;
- For an approved audit, research or evaluation purposes;
- In suspected cases of abuse, neglect, exploitation or endangerment, unless expressly prohibited by Federal or State laws or regulations.

Information obtained from another agency shall be released only by, or under the conditions established by, the other agency. Consumers and providers of information shall be advised of the confidentiality and release restrictions. Medical, psychological and other information determined to be potentially harmful to the consumer shall not be directly released to the consumer, but shall be released to another party chosen by the consumer. Information may be released to parents of consumers who are minors, or legal guardians, under the same conditions as it may be released directly to consumers.

Mediation/Hearing Process

Mediation is conducted by a qualified and impartial mediator who is trained in effective mediation techniques. This process is confidential, voluntary and must be agreed to by both parties and is not to be used to deny or delay the right of a consumer to a hearing. Discussions that occur during the mediation process will not be used as evidence in any subsequent due process hearing or civil proceeding.

An impartial hearing is performed by a hearing officer selected from a pool of qualified individuals identified by DVR and the State Rehabilitation Planning and Advisory Council. The consumer or representative must have an opportunity to present additional evidence, information, and witnesses to the hearing officer. Counsel or other appropriate advocates may also be obtained and shall have the opportunity to examine all witnesses and other relevant sources of information and evidence.

Services that have been initiated shall not be suspended, reduced, or terminated pending the final hearing decision unless it is requested or there is evidence that the services have been obtained through misrepresentation, fraud, collusion or criminal conduct on the part of the consumer.

The hearing must be held within 45 days of a consumer's initial request for review, unless informal resolution is achieved prior to the 45th day or the parties agree to a specific extension of time. The hearing officer shall make a decision based on the State and Federal policies and requirements. The hearing officer shall provide a full written report of the findings and grounds for the decision within 30 days of the completion of the hearing.

DVR Responsibilities

DVR staff have the following responsibilities:

- To work in partnership with consumers to individually pursue, obtain and maintain employment suited to their abilities and interests and leading to independence, increased self-sufficiency and full inclusion in society;
- To provide individualized services to the consumer in an organized, planned manner and to exercise sound professional judgment in carrying out that responsibility;
- When unable to work through a conflict with a consumer, to involve management and to inform the consumer of his/her rights and the availability of assistance from the Client Assistance Program (CAP).

Consumers must be provided with opportunities and informed of their right to participate actively and make meaningful and informed choices throughout the VR process including: evaluation and assessment services and providers, vocational goals and responsibilities, services needed to complete their plans for employment, and the service providers and methods used to procure such services.

Referrals to Other Programs

Accurate VR information and guidance will be provided, using appropriate modes of communication, to assist such consumers in preparing for, securing, retaining, or regaining employment, and will be appropriately referred to other programs. The referrals shall be to the Federal or State programs, including programs carried out by other components of the statewide workforce investment system in the State, best suited to address the specific employment needs of a consumer.

Consumers referred to other program shall be provided:

- Notice of the referral by DVR to the agency carrying out the program;
- Information identifying a specific point of contact within the agency carrying out the program; and
- Information and advice regarding the most suitable services to assist the consumer to prepare for, secure, retain, or regain employment.

Assessment for Determination of Eligibility

To be eligible for VR services, a consumer must have a physical or mental impairment that results in a substantial impediment to employment and require VR services to prepare for secure, retain or regain employment.

A consumer who is determined eligible for disability benefits under Title II or Title XVI of the Social Security Act is presumed to be eligible for VR services provided that the consumer intends to achieve an employment outcome.

The assessment for determination of eligibility shall be based on a review of existing data, including VR counselor observations, to the maximum extent possible. Information may be obtained as necessary from other programs and providers such as educational institutions, Social Security Administration, physicians, hospitals, and other information provided by the consumer or his/her family.

The determination of eligibility should be made as soon as possible, but the time shall not exceed 60 days after the consumer has submitted an application for VR services. However, the consumer and counselor can agree on a specific extension of time due to exceptional and unforeseen circumstances beyond the control of the consumer or DVR. A VR counselor determines the eligibility. A written statement of eligibility is included in the case record. Consumers who are determined not to be eligible for VR services shall be informed of the decision in writing and be provided with the reasons for the determination of ineligibility, notification of their appeal rights, and information about the Client Assistance Program (CAP). An ineligibility statement is completed and signed by a VR counselor.

Order of Selection

At any time DVR resources do not permit all eligible consumers to be served, an order of selection for services shall be implemented giving first priority to consumers with the most significant disabilities. Second priority shall be given to consumers with significant disabilities and third priority to those with non-significant disabilities. All eligible consumers within an open priority of service category must be served. A consumer has a most significant disability if s/he has three or more significant functional limitations and requires multiple services over an extended period of time.

A consumer has a significant disability if s/he has a severe mental or physical impairment that seriously limits one or more functional capacities in terms of an employment outcome and whose vocational rehabilitation requires multiple services over an extended period of time.

After a consumer is found eligible for VR services, an order of selection determination is completed. An assessment of additional data, to the extent needed to make this determination, may be conducted. The VR counselor, jointly with each consumer, shall evaluate his/her functional limitations and anticipated scope of services in the order of selection determination. This policy does not effect a consumer whose plan for employment was developed prior to the implementation date of order of selection, or those who are in need of post-employment services.

Each consumer must be notified of the order of selection determination. Consumers in a closed category are offered referral services and the option to be placed on a waiting list until the category has been opened for VR services. Each consumer in a closed category will be contacted annually to determine if additional information is available.

Plan for Employment

A VR counselor shall complete the assessment for determining eligibility and VR needs, as appropriate, and shall provide the consumer or, as appropriate, the consumer's representative, in writing and in an appropriate mode of communication, with information on the consumer's options for developing a plan for employment. These options must include:

- Information on the availability of assistance, to the extent determined appropriate by the consumer, from a VR counselor in developing all or part of the plan for employment;
- The availability of technical assistance in developing all or part of the plan for employment;
- A description of the full range of components that shall be included in an plan for employment;
- An explanation of DVR guidelines and criteria associated with financial commitments concerning a plan for employment;
- Additional information the consumer requests or DVR determines to be necessary;
- Information on the availability of assistance in completing DVR forms required in developing an plan for employment;
- A description of the rights and remedies available to such a consumer including, if appropriate, recourse to due process and mediation; and
- A description of the availability of and how to contact the Client Assistance Program (CAP).

The plan for employment shall be developed and implemented in a manner that provides the consumer the opportunity to exercise informed choice in selecting an employment outcome, the specific VR services to be provided under the plan, the entity that will provide the VR services, and the methods used to procure the services.

The plan for employment shall be:

- Agreed to, and signed by, the consumer or, as appropriate, the consumer's representative;
- Approved and signed by a DVR counselor;
- Copied and provided to the consumer or representative, in writing and, if appropriate, in the native language or mode of communication.

- Reviewed, at least annually, by a VR counselor and the consumer or, as appropriate, the consumer's representative;
- Amended, by the consumer or representative, in collaboration with DVR staff, as necessary. An amendment is only necessary if there are substantive changes in 1) the employment outcome, 2) the VR services to be provided, or 3) the providers of the services. Amendments are not to take effect until agreed to and signed by the consumer or, as appropriate, the consumer's representative, and by a VR counselor.

Plan for Employment Components

The plan for employment shall contain, at a minimum, the following mandatory components:

- Description of the specific employment outcome chosen by the consumer;
- Timelines for the achievement of the employment outcome;
- Description of the specific services to be provided in an integrated setting including assistive technology;
- Timelines for the initiation of the services;
- A description of the entity(ies) chosen by the consumer or, as appropriate, the consumer's representative, to provide the services;
- The methods chosen by the consumer to procure the services;
- A description of criteria to evaluate progress toward achievement of the employment outcome;
- The terms and conditions of the plan for employment, including information describing:
 - ◊ DVR responsibilities;
 - ◊ Consumer responsibilities in relation to the employment outcome;
 - ◊ The participation of the consumer in paying for the costs of services;
 - ◊ The responsibility of the consumer in applying for and securing comparable benefits; The responsibilities of other entities as the result of arrangements made pursuant to comparable services or benefits.

For a consumer with the most significant disabilities with an employment outcome in a supported employment setting, the following information needs to be identified:

- The extended services needed by consumer;
- The source of extended services or, if the source of the extended services cannot be identified at the time of the development of the plan for employment,
- A description of the basis for concluding that there is a reasonable expectation that such source will become available; and
- If necessary, a statement of projected need for post-employment services.

VR services are any services described in a plan for employment necessary to assist a consumer in preparing for, securing, retaining, or regaining an employment outcome that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the consumer, including:

- Assessment for determining eligibility and VR needs.
- Counseling and guidance, including information and support services to assist a consumer in exercising informed choice.
- Referral and other services to secure needed services from other agencies.
- Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services.
- Vocational and other training services, including the provision of personal and vocational adjustment services, books, tools, and other training materials, except that no training services provided at an institution of higher education shall be paid for with funds under this title unless maximum efforts have been made by DVR and the consumer to secure grant assistance, in whole or in part, from other sources to pay for such training. To the extent that financial support is not readily available from a source such as health insurance or through comparable services and benefits, other than DVR, diagnosis and treatment of physical and mental impairments.
- Maintenance for additional costs incurred while participating in an assessment for determining eligibility and VR needs or while receiving services under a plan for employment;
- Transportation, including adequate training in the use of public transportation vehicles and systems, that is provided in connection with the provision of any other service described in this section and needed by the consumer to achieve an employment outcome;
- On-the-job or other related personal assistance services provided while a consumer is receiving other services described in this section;
- Interpreter services provided by qualified personnel for consumers who are deaf or hard of hearing, and reader services for consumers who are determined to be blind, after an examination by qualified personnel who meet State licensure laws;
- Rehabilitation teaching services, and orientation and mobility services, for consumers who are blind;
- Occupational licenses, tools, equipment, and initial stocks and supplies;
- Technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent such resources are authorized to be provided through the statewide workforce investment system, to consumers who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome;
- Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices;
- Transition services for students with disabilities, that facilitate the achievement of the employment outcome identified in the plan for employment;

- Supported employment services including ongoing support services and other appropriate services needed to support and maintain a consumer with a most significant disability in supported employment that are provided singly or in combination, and are organized and made available to assist the consumer to achieve competitive employment. Supported employment services are provided based on a determination of the needs of the consumer and specified in a plan for employment. Supported employment services are provided for up to 18 months unless, under special circumstances the consumer and the VR counselor agree to extend the time in order to achieve the rehabilitation objectives identified in the plan for employment;
- Services to the family of a consumer necessary to assist the consumer to achieve an employment outcome; and
- Specific post-employment services necessary to assist a consumer to retain, regain, or advance in employment.

Financial Contribution

Consumers shall be encouraged to participate in the cost of the services listed in their plan for employment to the extent they are able to do so. The monthly contribution of the consumer is determined by the DWD ability to pay schedule. A consumer is liable only for the costs of his/her service or services provided to a spouse or to a minor child.

Family income is determined by household income, assets, and disability related expenses according to the ability to pay schedule. A consumer's financial contribution will be reviewed at least annually or whenever changes in services occur. The value of in kind contribution shall be credited to the consumer toward his/her financial liability. A consumer's financial liability/contribution can not exceed the costs of goods and services purchased. The consumer will have financial liability/contribution for the duration of the plan.

Employment Outcomes

A consumer has achieved an employment outcome only if the following requirements are met and documented:

- Services provided under a plan for employment have contributed to the achievement of the employment outcome.
- The employment outcome is consistent with the consumer's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.
- The employment outcome is in the most integrated setting possible, consistent with the consumer's informed choice.

- The consumer is compensated at or above the minimum wage and receives at least the customary wage and benefit level paid to non-disabled consumers performing similar work for the same employer.
- Employment has been maintained for at least 90 days.
- The consumer and VR counselor consider the employment to be satisfactory and agree the consumer is performing well on the job.

At the time of closure there must be a reassessment of the need for post-employment services. When the consumer is working in supported employment, the case will only be closed when the employment represents competitive employment or employment in integrated work settings in which the consumer is working toward competitive employment. The employment must be in an integrated work setting where most employees do not have disabilities and the consumer regularly interacts with these employees while performing job duties, or, when the consumer regularly interacts with individuals who do not have disabilities, including the general public, while performing job duties as part of a work group of employees with disabilities. There shall be confirmation of extended support services after case closure by the another party identified in the plan for employment. Closure occurs no sooner than 90 days after transition to extended support services. Consumers must be compensated under Sec 14 (c) of the Fair Labor Standards Act.

Consumers whose cases are closed for any reason except death or no known address, shall be notified, in writing, of the case closure, the basis for the closure, the right to appeal the closure decision, and the process for appealing, including the availability of the Client Assistance Program to assist with an appeal. Consumers shall be provided an opportunity for full consultation of case closure prior to the closure. Consumers whose cases have been closed after rehabilitation shall be provided additional services if necessary to maintain, regain, or advance in employment consistent with consumer's strengths, resources, priorities, concerns, abilities, capabilities, and interests.

Equal Opportunity Officer
Division of Vocational Rehabilitation
P.O. Box 7852
Madison, WI 53707-7852
(608) 243-5620 (Voice)
(608) 243-5601 (TTY)

To access services, or to obtain further information on DVR services, including a listing of local DVR offices which serve the local county of residence, visit the DVR website at: <http://www.dwd.state.wi.us/dvr>

APPENDIX B: SOCIAL SECURITY ADMINISTRATION PROGRAMS

The federal Social Security Administration administers several programs that provide cash benefits to individuals who are blind or disabled. Further information regarding these programs follows:

Social Security Disability Income (SSDI)

The Social Security Disability Insurance Program (commonly called SSDI) provides cash benefits to disabled workers and their dependents. The SSDI payments are paid from the Social Security trust fund into which workers pay Social Security taxes while they are working.

To be found eligible for SSDI payments, the worker must have sufficient quarters of coverage under Social Security through his or her prior work, and must meet the disability requirements under the law. The medical condition must be severe enough that the worker cannot return to work for a year or more, or one that is expected to end in death. There is no "partial disability;" to be found eligible, the worker's medical condition must be the reason he or she cannot work.

Generally, a worker over age 31 must have completed approximately five years of work in the ten years prior to becoming disabled; younger workers require less. There is no minimum age for eligibility; the maximum age is 65. Because payments are based on prior work, there is no means test for eligibility for SSDI payments.

Supplemental Security Income (SSI)

The Supplemental Security Income Program (commonly called SSI) provides cash benefits to disabled individuals who do not have enough prior work to be eligible for SSDI benefits, or whose SSDI benefits are lower because of limited work in the past. As with SSDI benefits, the medical condition must be severe enough that the individual cannot return to work for a year or more, or one that is expected to end in death.

SSI benefits are paid from general tax revenue, and there are income and resource limits. There is no minimum age; generally, with the exception of certain legally admitted aliens affected by recent legislation, the maximum age is 65.

Children may be eligible for SSI. The definition of disability for children requires a child to have a physical or mental condition or conditions that can be medically proven and which result in marked and severe functional limitations. It requires that the condition must last or be expected to last for a period of a year or more, or be expected to result in death.

Social Security Retirement and Survivors Insurance

In addition to paying SSDI and SSI benefits, Social Security also can pay benefits to disabled family members under its Social Security Retirement and Survivors Insurance (RSI) program. Payments, which come from the Social Security trust fund, can be paid to two groups of people.

First, dependent, disabled widows or widowers of deceased workers who paid into the Social Security program may receive benefits. Disabled widow(ers) benefits are payable for persons who are between ages 50 and 60, and whose disability began within seven years after the death of the wage earner. Benefits to widow(ers) are payable at age 60 regardless of the existence of a disability.

Dependent adult children of retired, disabled and deceased workers may be eligible for benefits if their disability begins before age 22. For either disabled widow(ers) or children's benefits, the worker on whose earnings benefits are being paid, must have had enough work to be fully insured for benefits. The medical disability requirements are the same as those for the SSDI and SSI programs.

Further Information

Additional information about Social Security and Supplemental Security Income benefits, including a listing of local offices, may be obtained by contacting:
Social Security Administration
(800) 772-1213
Internet: <http://www.ssa.gov>.

APPENDIX C: APPLICABLE FEDERAL AND STATE LAWS AND REGULATIONS

I. EQUAL EMPLOYMENT OPPORTUNITY LAWS

A. RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Civil Rights Act of 1964. Title VII as amended prohibits discrimination in hiring, promotion, discharge, pay, fringe benefits, and other aspects of employment, on the basis of race, color, religion, sex, or national origin. Applicants to, and employees of most private employers, state and local governments and public or private educational institutions are protected. Employment agencies, labor unions and apprenticeship programs are also covered.

Executive Order 11246. as amended prohibits employment discrimination on the basis of race, color, religion, sex, or national origin and requires affirmative action to ensure equality in all aspects of employment. Generally speaking, the non-discrimination requirement applies to all government contracts for more than \$10,000. A first tier subcontractor is one holding a subcontract with a private contractor. In addition, all government contractors with 50 or more employees and a contract of \$50,000 or more are required to develop a written affirmative action compliance program for each of the establishments.

B. AGE

Age Discrimination in Employment Act of 1967. as amended prohibits age discrimination and protects applicants and employees age 40 and older from discrimination in hiring, promotion, discharge, pay, fringe benefits and other aspects of employment. The law covers most private employers, state and local governments, educational institutions, employment agencies and labor organizations.

C. GENDER (WAGES)

Equal Pay Act of 1963 prohibits discrimination on the basis of gender in payment of wages to women and men performing substantially equal work in the same establishment. The law covers most private employers, state and local governments and educational institutions. Labor organizations may not cause employers to violate the law. Many employers not covered by Title VII, because of size, are covered by the Equal Pay Act.

D. DISABILITY

Americans with Disabilities Act of 1990. Title I prohibits discrimination in all terms, conditions and benefits of employment, including the application process, on the basis of being a qualified person with a disability or associated with a person with a disability. Reasonable accommodations for qualified applicants or existing employees with disabilities must be considered for all terms of employment. The employment provisions apply to all private employers of 25 or more as of July 26, 1992 and January, 1992 for state and local governments.

Rehabilitation Act of 1973, as amended. Section 503 prohibits discrimination on the basis of disability and requires affirmative action to employ and to advance in employment qualified individuals with disabilities, who, with or without reasonable accommodations, can perform the essential functions of a job. Non-discrimination applies to all federal contractors with contracts of \$25,000 or more. If the contract is \$50,000 or more and the company has 50 or more employees, the contractor must prepare an affirmative action program and make it available to all employees.

E. AGE, RACE, CREED, COLOR, DISABILITY, MARITAL STATUS, SEX, SEXUAL ORIENTATION, NATIONAL ORIGIN, ANCESTRY, ARREST OR CONVICTION RECORD, MILITARY PARTICIPATION, USE OF LAWFUL PRODUCTS, POLITICAL AFFILIATION.

Wisconsin Fair Employment Law

1. Prohibited basis of discrimination:

Subject to State Statutes 111.33 to 111.36, no employer, labor organization, employment agency, licensing agency or other person may engage in any act of employment discrimination as specified in s. 111.321 against any individual on the basis of age, race, creed, color, disability or association with a person with a disability, marital status, sex, sexual orientation, national origin, ancestry, arrest record or conviction record, use of lawful products, military participation, or political affiliation.

2. Discriminatory actions prohibited:

It is an act of employment discrimination to do any of the following:

- a) To refuse to hire, employ, admit, or deny licensing to any individual; to bar or terminate from employment or labor

organization, deny membership to any individual, or to discriminate against any individual in promotion, compensation or in terms, conditions or privileges of employment or labor organization membership because of any basis enumerated in s. 111.321;

- b) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which implies or expresses any limitation, specification or discrimination with respect to an individual or any intent to make such limitation, specification or discrimination because of any basis enumerated in s. 111.321; and
- c) To discharge or otherwise discriminate against any individual because he or she has opposed any discriminatory practice under this chapter or because he or she has made a complaint, testified or assisted in any proceeding under this subchapter.

3. Unlawful discrimination:

It is unlawful for an employer, labor organization, licensing agency or person to discriminate against any employee or any applicant for employment or licensing.

II. SERVICE DELIVERY

A. RACE, COLOR, NATIONAL ORIGIN

CIVIL RIGHTS ACT OF 1964. TITLE VI prohibits discrimination on the basis of race, color or national origin in programs or activities receiving federal financial assistance.

Employment discrimination is also covered under Title VI if the primary objective of the financial assistance is the provision of employment, or where employment discrimination causes or may cause discrimination in providing services under these programs.

B. DISABILITY

Americans with Disabilities Act of 1990. Titles II, III and IV prohibits discrimination in state and local government services, public accommodations, transportation and telecommunications on the basis of being a qualified person with a disability or associated with a person with a disability. New facilities must be physically accessible if built after

January, 1993 and readily achievable alterations must be made to existing buildings built before January, 1993. Service delivery agencies must ensure physical and program accessibility. The state and local government program services provisions effective date was January, 1992.

Rehabilitation Act of 1973, as amended. Section 504 prohibits discrimination on the basis of a disability in any program or activity which receives federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities, who with or without reasonable accommodations, can perform the essential functions of a job.

C. GENDER

Education Amendments of 1972 Title IX prohibits discrimination on the basis of gender in any education program or activity which receives federal financial assistance.

D. AGE

Age Discrimination Act of 1975 prohibits discrimination on the basis of age in any program or activity which receives federal financial assistance.

E. ALL PROTECTED BASES

Public Accommodations and Amusement Law (1965) prohibits discrimination in public places based on race, color, creed, national origin, ancestry, sex, physical condition, developmental disability or sexual orientation.

APPENDIX D: FACTS ABOUT THE AMERICANS WITH DISABILITIES ACT

Title I of the Americans with Disabilities Act of 1990, which took effect July 26, 1992, prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement compensation, job training, and other terms, conditions and privileges of employment. An individual with a disability is a person who:

- Has a physical or mental impairment that substantially limits one or more major life activities;
- Has a record of such an impairment; or
- Is regarded as having such an impairment.

A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question. Reasonable accommodation may include, but is not limited to:

- Making existing facilities used by employees readily accessible to and usable by persons with disabilities;
- Job restructuring, modifying work schedules, reassignment to a vacant position;
- Acquiring or modifying equipment or devices, adjusting/modifying examinations, training materials, or policies, and providing qualified readers or interpreters.

An employer is required to make an accommodation to the known disability of a qualified applicant or employee if it would not impose an "undue hardship" on the operation of the employer's business. Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources and the nature and structure of its operation.

An employer is not required to lower quality or production standards to make an accommodation, nor is an employer obligated to provide personal use items such as glasses or hearing aids.

PRE-EMPLOYMENT INQUIRIES AND MEDICAL EXAMINATIONS

Employers may not ask job applicants about the existence, nature or severity of a disability. Applicants may be asked about their ability to perform specific job functions. A job offer may be conditioned on the results of a medical examination, but only if the examination is required for all entering employees in similar jobs. Medical examinations of employees must be job related and consistent with the employer's business needs.

DRUG AND ALCOHOL ABUSE

Employees and applicants currently engaging in the illegal use of drugs are not covered by the ADA, when an employer acts on the basis of such use. Tests for illegal drugs are not subject to the ADA's restrictions on medical examinations. Employers may hold illegal drug users and alcoholics to the same performance standards as other employees.

EEOC ENFORCEMENT OF THE ADA

The U.S. Equal Employment Opportunity Commission issued regulations to enforce the provisions of Title I of the ADA. The provisions took effect on July 26, 1992, and cover employers with 25 or more employees. On July 26, 1994, employers with 15 or more employees were covered.

FILING A CHARGE

Charges of employment discrimination on the basis of disability, based on actions occurring on or after July 26, 1992, may be filed at any field office of the U.S. Equal Employment Opportunity Commission. Field offices are located in 50 cities throughout the United States and are listed in most telephone directories under U.S. Government. Information on all EEOC-enforced laws may be obtained by calling toll free on 800-USA-EEOC. EEOC's toll free TDD number is 800-800-3302. For TDD calls from the Washington, D.C. metropolitan area, dial (202) 663-4494.

This fact sheet is available in the following formats: Print, Braille, large print, audiotape and electronic file on computer disk. For further information call the Office of Equal Employment Opportunity at (202) 663-4395 (voice), (202) 663-4399 (TDD) or FTS (voice), 989-4399 (TDD).)

APPENDIX E: AMERICANS WITH DISABILITIES EMPLOYMENT INFORMATION

AN EMPLOYERS RESPONSIBILITIES UNDER THE AMERICANS WITH DISABILITIES ACT

Introduction

The Americans with Disabilities Act of 1990 (ADA) makes it unlawful to discriminate in employment against a qualified individual with a disability. The ADA also outlaws discrimination against individuals with disabilities in state and local government services, public accommodations, transportation and telecommunications. This booklet explains the part of the ADA that prohibits job discrimination. This part of the law is enforced by the U.S. Equal Employment Opportunity Commission and state and local civil rights enforcement agencies that work with the Commission.

Are You Covered?

Job discrimination against people with disabilities is illegal if practiced by:

- private employers,
- state and local governments,
- employment agencies,
- labor organizations, and
- labor-management committees.

The part of the ADA enforced by the EEOC outlaws job discrimination by:

- all employers, including state and local government employers, with 25 or more employees after July 26, 1992, and
- all employers, including state and local government employers, with 15 or more employees after July 26, 1994.

Another part of the ADA, Title II, enforced by the U.S. Department of Justice (DOJ), prohibits discrimination in state and local government programs and activities, including discrimination by all state and local governments, regardless of the number of employees, after January 26, 1992.

Because the ADA establishes overlapping responsibilities in both EEOC and DOJ for employment by state and local governments, the Federal enforcement effort will be coordinated by EEOC and DOJ to avoid duplication in investigative and enforcement activities. In addition, since some private and governmental employers are already covered by nondiscrimination and affirmative action requirements under the

Rehabilitation Act of 1973, EEOC, DOJ, and the Department of Labor will similarly coordinate the enforcement effort under the ADA and the Rehabilitation Act.

What Employment Practices are Covered?

The ADA makes it unlawful to discriminate in all employment practices such as:

- recruitment
- hiring
- promotion
- training
- lay-off
- all other employment related activities.
- pay
- firing
- job assignments
- leave
- benefits

The ADA prohibits an employer from retaliating against an applicant or employee for asserting his rights under the ADA. The Act also makes it unlawful to discriminate against an applicant or employee, whether disabled or not, because of the individual's family, business, social or other relationship or association with an individual with a disability.

Who Is Protected?

Title I of the ADA protects qualified individuals with disabilities from employment discrimination. Under the ADA, a person has a disability if he or she has a *physical or mental impairment* that *substantially limits a major life activity*. The ADA also protects individuals who have a *record of* a substantially limiting impairment, and people who are *regarded as* having a substantially limiting impairment.

To be protected under the ADA, an individual must have a record of, or be regarded as having a *substantial*, as opposed to a minor, impairment. A substantial impairment is one that significantly limits or restricts a *major life activity* such as hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, learning or working.

An individual with a disability must also be qualified to perform the *essential functions* of the job with or without *reasonable accommodation*, in order to be protected by the ADA. This means that the applicant or employee must:

- satisfy job requirements for educational background, employment experience, skills, licenses, and any other qualification standards that are job related; and
- be able to perform those tasks that are essential to the job, with or without reasonable accommodation.

The ADA does not interfere with the employer's right to hire the best qualified applicant. Nor does the ADA impose any affirmative action obligations. The ADA simply prohibits from discriminating against a qualified applicant or employee because of his/her disability.

How Are Essential Functions Determined?

Essential functions are the basic job duties that an employee must be able to perform, with or without reasonable accommodation. You should carefully examine each job to determine which functions or tasks are essential to performance. (This is particularly important before taking an employment action such as recruiting, advertising, hiring, promoting or firing).

Factors to consider in determining if a function is essential include:

- whether the reason the position exists is to perform that function,
- the number of other employees available to perform the function or among whom the performance of the function can be distributed, and
- the degree of expertise or skill required to perform the function.

Your judgment as to which functions are essential, and a written job description prepared before advertising or interviewing for a job will be considered by EEOC as evidence of essential functions. Other kinds of evidence that EEOC will consider include:

- the actual work experience of present or past employees in the job,
- the time spent performing a function,
- the consequences of not requiring that an employee perform a function, and
- the terms of a collective bargaining agreement.

What Are My Obligations to Provide Reasonable Accommodations?

Reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, reasonable accommodation may include:

- acquiring or modifying equipment or devices,
- job restructuring,

- part-time or modified work schedules,
- reassignment to a vacant position,
- adjusting or modifying examinations, training materials or policies,
- providing readers and interpreters, and
- making the work place readily accessible to and usable by people with disabilities.

Reasonable accommodation also must be made to enable an individual with a disability to participate in the application process, and to enjoy benefits and privileges of employment equal to those available to other employees.

It is a violation of the ADA to fail to provide reasonable accommodation to the **known** physical or mental limitations of a qualified individual with a disability, unless to do so would impose an undue hardship on the operation of a business. Undue hardship means that the accommodation would require significant difficulty or expense.

What is the Best Way to Identify a Reasonable Accommodation?

Frequently, when a qualified individual with a disability requests a reasonable accommodation, the appropriate accommodation is obvious. The individual may suggest a reasonable accommodation based upon his/her own life or work experience. However, when the appropriate accommodation is not readily apparent, the employer must make a reasonable effort to identify one. The best way to do this is to consult informally with the applicant or employee about potential accommodations that would enable the individual to participate in the application process or perform the essential functions of the job. If this consultation does not identify an appropriate accommodation, the employer may contact the EEOC, state or local vocational rehabilitation agencies, or state or local organizations representing or providing services to individuals with disabilities. Another resource is the Job Accommodation Network (JAN). JAN is a free consultant service that helps employers make individualized accommodations. The telephone number is (800) 526-7234.

When Does a Reasonable Accommodation Become An Undue Hardship?

It is not necessary to provide a reasonable accommodation if doing so would cause an *undue hardship*. Undue hardship means that an accommodation would be unduly costly, extensive, substantial or disruptive, or would fundamentally alter the nature or operation of the business. Among the factors to be considered in determining whether an accommodation is an undue hardship are the cost of the accommodation, the employer's size, financial resources and the nature and structure of its operation.

If a particular accommodation would be an undue hardship, you must try to identify another accommodation that will not pose such a hardship. If cost causes the undue hardship, you must also consider whether funding for an accommodation is available from an outside source, such as a vocational rehabilitation agency, and if the cost of providing the accommodation can be offset by state or federal tax credits or deductions. The employer must also give the applicant or employee with a disability the opportunity to provide the accommodation or pay for the portion of the accommodation that constitutes an undue hardship.

Can the Employer Require Medical Examinations or Ask Questions About an Individual's Disability?

It is unlawful to:

- ask an applicant whether he/she is disabled or about the nature or severity of a disability, or
- to require the applicant to take a medical examination before making a job offer.

An employer may ask an applicant questions about ability to perform job-related functions, as long as the questions are not phrased in terms of a disability. An employer may also ask an applicant to describe or to demonstrate how, with or without reasonable accommodation, the applicant will perform job-related functions.

After a job offer is made and prior to the commencement of employment duties, an employer may require that an applicant take a medical examination if everyone who will be working in the job category must also take the examination. An employer may condition the job offer on the results of the medical examination. However, if an individual is not hired because a medical examination reveals the existence of a disability, an employer must be able to show that the reasons for exclusion are job related and necessary to conduct business. The employer also must be able to show that there was no reasonable accommodation that would have made it possible for the individual to perform the essential job functions.

Once an employer has hired an applicant, the employer cannot require a medical examination or ask an employee questions about disability unless the employer can show that these requirements are job related and necessary for the conduct of the

business. The employer may conduct voluntary medical examinations that are part of an employee health program.

The results of all medical examinations or information from inquiries about a disability must be kept confidential, and maintained in separate medical files. The employer may provide medical information required by state workers' compensation laws to the agencies that administer such laws.

Do Individuals Who Use Drugs Illegally Have Rights Under the ADA?

Anyone who is currently using drugs illegally is not protected by the ADA and may be denied employment or fired on the basis of such use. The ADA does not prevent employers from testing applicants or employees for current illegal drug use, or from making employment decisions based on verifiable results. A test for the illegal use of drugs is not considered a medical examination under the ADA; therefore, it is not a prohibited pre-employment medical examination and an employer will not have to show that the administration of the test is job related and consistent with business necessity. The ADA does not encourage, authorize or prohibit drug tests.

How will the ADA Be Enforced and What Are the Available Remedies?

The provisions of the ADA which prohibit job discrimination will be enforced by the U.S. Equal Employment Opportunity Commission. Individuals who believe they have been discriminated against on the basis of their disability can file a charge with the Commission at any of its offices located throughout the United States. A charge of discrimination must be filed within 180 days of the discrimination, unless there is a state or local law that also provides relief for discrimination on the basis of disability. In those cases, the complainant has 300 days to file a charge.

The Commission will investigate and initially attempt to resolve the charge through conciliation, following the same procedures used to handle charges of discrimination filed under Title VII of the Civil Rights Act of 1964. The ADA also incorporates the remedies contained in Title VII. These remedies include hiring, promotion, reinstatement, back pay, and attorneys fees. Reasonable accommodation is also available as a remedy under the ADA.

How Will EEOC Help Employers Who Want to Comply with the ADA?

The Commission believes that employers want to comply with the ADA, and that if they are given sufficient information on how to comply, they will do so voluntarily.

Accordingly the Commission will conduct an active technical assistance program to promote voluntary compliance with the ADA. This program will be designed to help

employers understand their responsibilities and assist people with disabilities to understand their rights and the law.

In January 1992, EEOC published a Technical Assistance Manual, providing practical application of legal requirements to specific employment activities, with a directory of resources to aid compliance. EEOC published other educational materials, provided training on the law for employers and for people with disabilities, and participated in meetings and training programs of other organizations. EEOC staff also responded to individual requests for information and assistance. The Commission's technical assistance program is separate and distinct from its enforcement responsibilities. Employers who seek information or assistance from the Commission are not subject to any enforcement action because of such inquiries.

The Commission also recognizes that differences and disputes about the ADA requirements may arise between employers and people with disabilities as a result of misunderstandings. Such disputes frequently can be resolved more effectively through informal negotiation or mediation procedures, rather than through the formal enforcement process of the ADA. Accordingly, EEOC will encourage efforts to settle such differences through alternative dispute resolution, providing that such efforts do not deprive any individual of legal rights provided by the statute.

Additional Questions (Q) and Answers (A) on the Americans with Disabilities Act

Q. What is the relationship between the ADA and the Rehabilitation Act of 1973?

A. The Rehabilitation Act of 1973 prohibits discrimination on the basis of handicap by the federal government, federal contractors and by recipients of federal financial assistance. If someone was covered by the Rehabilitation Act prior to the passage of the ADA, the ADA will not affect that coverage. Many of the provisions contained in the ADA are based on Section 504 of the Rehabilitation Act and its implementing regulations. If a person is receiving federal financial assistance and is in compliance with Section 504, they are probably in compliance with the ADA requirements affecting employment except in those areas where the ADA contains additional requirements. Nondiscrimination requirements, as a federal contractor under Section 503 of the Rehabilitation Act, will be essentially the same as those under the ADA; however, an employer will continue to have additional affirmative action requirements under Section 503 that do not exist under the ADA.

Q. If the employer has several qualified applicants for a job, does the ADA require that the employer hire the applicant with a disability?

A. No. The employer may hire the most qualified applicant. The ADA only makes it unlawful for an employer to discriminate against a qualified individual with a disability on the basis of disability.

- Q. An employee is a diabetic, but takes insulin daily to control his diabetes. As a result, the diabetes has no significant impact on his or her employment. Is he or she protected by the ADA?
- A. Yes. The determination as to whether a person has a disability under the ADA is made without regard to mitigating measures, such as medications, auxiliary aids and reasonable accommodations. If an individual has an impairment that substantially limits a major life activity, he/she is protected under the ADA, regardless of the fact that the disease or condition or its effects may be corrected or controlled.
- Q. An employee has a broken arm that will heal but is temporarily unable to perform the essential functions of his job as a mechanic. Is this employee protected by the ADA?
- A. No. Although this employee does have an impairment, it does not substantially limit a major life activity if it is of limited duration and will have no long term effect.
- Q. Is the employer obligated to provide a reasonable accommodation for an individual if the employer is unaware of his/her physical or mental impairment?
- A. No. An employer's obligation to provide reasonable accommodation applies only to known physical or mental limitations. However, this does not mean that an applicant or employee must always inform an employer of a disability. If a disability is obvious, e.g., the applicant uses a wheelchair, the employer "knows" of the disability even if the applicant never mentions it.
- Q. How does an employer determine whether a reasonable accommodation is appropriate and the type of accommodation that should be made available?
- A. The requirement generally will be triggered by a request from an individual with a disability, who frequently can suggest an appropriate accommodation. Accommodations must be made on a case-by-case basis, because the nature and extent of a disabling condition and the requirements of the job will vary. The principal test in selecting a particular type of accommodation is that of *effectiveness*, i. e., whether the accommodation will enable the person with a disability to perform the essential functions of the job. It need not be the best accommodation or the accommodation the individual with a disability would prefer, although primary consideration should be given to the preference of the individual involved. However, the employer has the final discretion to choose between effective accommodations, and may select one that is least expensive or easier to provide.
- Q. When must an employer consider reassigning an employee with a disability to another job as a reasonable accommodation?

- A. When an employee with a disability is unable to perform his/her present job even with the provision of a reasonable accommodation, the employer must consider reassigning the employee to an existing position that he/she can perform with or without a reasonable accommodation. The requirement to consider reassignment applies only to employees and not to applicants. The employer is not required to create a position or to bump another employee in order to create a vacancy. Nor is the employer required to promote an employee with a disability to a higher level position.
- Q. What if an applicant or employee refuses to accept an accommodation that the employer offers?
- A. The ADA provides that an employer cannot require a qualified individual with a disability to accept an accommodation that is neither requested nor needed by the individual. However, if a necessary reasonable accommodation is refused, the individual may be considered not qualified.
- Q. If a business has a health spa in the building, must it be accessible to employees with disabilities?
- A. Yes. Under the ADA, workers with disabilities must have equal access to all benefits and privileges of employment that are available to similarly situated employees without disabilities. The duty to provide reasonable accommodation applies to all non-work facilities provided or maintained by you for your employees. This includes cafeterias, lounges, auditoriums, company-provided transportation and counseling services. If making an existing facility accessible would be an undue hardship, the employer must provide a comparable facility that will enable a person with a disability to enjoy benefits and privileges of employment similar to those enjoyed by other employees, unless this would be an undue hardship.
- Q. If an employer contract for a consulting firm to develop a training course for my employees, and the firm arranges for the course to be held at a hotel that is inaccessible to one of my employees, is the employer liable under the ADA?
- A. Yes. An employer may not do through a contractual or other relationship what it is prohibited from doing directly. The employer would be required to provide a location that is readily accessible to, and usable by your employee with a disability unless to do so would create an undue hardship.
- Q. What are the employer's responsibility for making its facilities accessible?
- A. An employer is responsible under Title I of the ADA for making facilities accessible to qualified applicants and employees with disabilities as a reasonable accommodation, unless this would cause undue hardship. Accessibility must be

provided to enable a qualified applicant to participate in the application process, to enable a qualified individual to perform essential job functions and to enable an employee with a disability to enjoy benefits and privileges available to other employees. However, if the business is a place of public accommodation (such as a restaurant, retail store or bank) they have different obligations to provide accessibility to the general public, under Title III of the ADA. Title III also will require places of public accommodation and commercial facilities (such as office buildings, factories and warehouses) to provide accessibility in new construction or when making alterations to existing structures. Further information on these requirements may be obtained from the U.S. Department of Justice, which enforces Title III.

Q. Under the ADA, can an employer refuse to hire an individual or fire a current employee who uses drugs illegally?

A. Yes. Individuals who currently use drugs illegally are specifically excluded from the ADA's protection; However, the ADA does not exclude:

- persons who have successfully completed or are currently in a rehabilitation program and are no longer illegally using drugs; and
- persons erroneously regarded as engaging in the illegal use of drugs.

Q. Does the ADA cover people with AIDS?

A. Yes. The legislative history indicates that Congress intended the ADA to protect persons with AIDS and HIV disease from discrimination.

Q. Can an employer consider health and safety in deciding whether to hire an applicant or retain an employee with a disability?

A. The ADA permits an employer to require that an individual not pose a direct threat to the health and safety of the individual or others in the work-place. A direct threat means a significant risk of substantial harm. The employer cannot refuse to hire or fire an individual because of a slightly increased risk of harm to himself or others. Nor can the employer do so based on a speculative or remote risk. The determination that an individual poses a direct threat must be based on objective, factual evidence regarding the individual's present ability to perform essential job functions. If an applicant or employee with a disability poses a direct threat to the health or safety of himself or others, the employer must consider whether the risk can be eliminated or reduced to an acceptable level with a reasonable accommodation.

Q. Is the employer required to provide additional insurance for employees with disabilities?

A. No. The ADA only requires that the employer provide an employee with a disability equal access to whatever health insurance coverage that is provided to other employees. For example, if the employer's health insurance coverage for certain treatments is limited to a specified number per year, and an employee, because of a disability, needs more than the specified number, the ADA does not require that the employer provide additional coverage to meet that employee's health insurance needs. The ADA also does not require changes in insurance plans that exclude or limit coverage for pre-existing conditions.

Q. Does the ADA require that an employer post a notice explaining its requirements?

A. The ADA requires that employers post a notice in an accessible format to applicants, employees and members of labor organizations, describing the provisions of the Act. EEOC will provide employers with a poster summarizing these and other Federal legal requirements for nondiscrimination. EEOC will also provide guidance on making this information available in accessible formats for people with disabilities.